

By Mr. LEAVITT: A bill (H. R. 12844) granting the consent of Congress to the State of Montana, the counties of Roosevelt, Richland, and McCone, or any of them, to construct, maintain, and operate a free highway bridge across the Missouri River at or near Poplar, Mont.; to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER of Ohio: A bill (H. R. 12845) to provide that the United States shall cooperate with the States in promoting the general health of the rural population of the United States, and the welfare and hygiene of mothers and children; to the Committee on Interstate and Foreign Commerce.

By Mr. O'CONNOR of Louisiana: Joint resolution (H. J. Res. 358) authorizing the Secretary of War to lease to New Orleans Association of Commerce, New Orleans Quartermaster Intermediate Depot Unit No. 2; to the Committee on Military Affairs.

By Mr. STONE: Joint resolution (H. J. Res. 359) providing for a commission to be known as the mob law commission; to the Committee on the Judiciary.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARNOLD: A bill (H. R. 12846) granting an increase of pension to Frances C. Grant; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12847) granting an increase of pension to Mary E. Tally; to the Committee on Invalid Pensions.

By Mr. BUCKBEE: A bill (H. R. 12848) granting an increase of pension to Delilah Boucher; to the Committee on Invalid Pensions.

By Mr. ELLIOTT: A bill (H. R. 12849) granting a pension to Mary F. White; to the Committee on Invalid Pensions.

By Mr. FISH: A bill (H. R. 12850) granting a pension to Sarah H. McCreery; to the Committee on Invalid Pensions.

By Mr. HOGG: A bill (H. R. 12851) granting an increase of pension to Susanna List; to the Committee on Invalid Pensions.

By Mr. HOPKINS: A bill (H. R. 12852) granting a pension to Frances E. Pike; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12853) granting an increase of pension to Bertha Ann Gay; to the Committee on Invalid Pensions.

By Mr. KIEFNER: A bill (H. R. 12854) for the relief of Katie Chelf; to the Committee on Invalid Pensions.

By Mr. KINZER: A bill (H. R. 12855) granting an increase of pension to Kate Walter; to the Committee on Invalid Pensions.

By Mr. KURTZ: A bill (H. R. 12856) authorizing the President to appoint Stephen V. Luddy a first lieutenant, Dental Corps, in the United States Regular Army; to the Committee on Military Affairs.

Also, a bill (H. R. 12857) granting an increase of pension to Miriam E. Hogue; to the Committee on Pensions.

Also, a bill (H. R. 12858) granting a pension to Anna Mary Bell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12859) granting an increase of pension to Mary Ann Blake; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12860) granting an increase of pension to Sarah Jane Davis; to the Committee on Invalid Pensions.

By Mrs. LANGLEY: A bill (H. R. 12861) granting a pension to James Baker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12862) granting an increase of pension to Frank Miller; to the Committee on Pensions.

By Mr. LONGWORTH: A bill (H. R. 12863) granting an increase of pension to Edith Stevens; to the Committee on Pensions.

By Mr. MOUSER: A bill (H. R. 12864) granting an increase of pension to Sarah C. Miller; to the Committee on Invalid Pensions.

By Mr. NELSON of Maine: A bill (H. R. 12865) for the relief of Joseph Dumas; to the Committee on Claims.

By Mr. SNELL: A bill (H. R. 12866) granting an increase of pension to Nancy Blake; to the Committee on Invalid Pensions.

By Mr. STRONG of Kansas (by request of the Comptroller General): A bill (H. R. 12867) to authorize and adjust the claim of the estate of Thomas Bird; to the Committee on War Claims.

By Mr. THOMPSON: A bill (H. R. 12868) granting an increase of pension to Augusta Webb Orcutt; to the Committee on Invalid Pensions.

By Mr. ZIHLMAN: A bill (H. R. 12869) granting an increase of pension to Mary E. Mencer; to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7506. By Mr. BLACKBURN: Memorial of the Centenary Methodist Episcopal Church, of Lexington, Ky., signed by Ivor C. Hyndeman, president, and Mrs. L. J. Godbey, secretary, urging Congress to enact a law for the supervision of the distribution and production of motion pictures; to the Committee on Interstate and Foreign Commerce.

7507. By Mr. CARTER of California: Petition signed by Ruth M. Burr, Betty Fraser, Patricia Dunlap, and 43 other students of the current history class of Oakland Technical High School, Oakland, Calif., urging the passage of Senator McMASTER's bill providing for the purchase of wheat for the starving Chinese; to the Committee on Agriculture.

7508. By Mr. FITZGERALD: Petition signed by 34 residents of Montgomery County, Ohio, asking for repeal of Volstead Act; to the Committee on the Judiciary.

7509. Also, petition signed by 47 residents of Montgomery County, Ohio, asking support of the Saturday half holiday bill for Federal employees; to the Committee on the Civil Service.

7510. By Mr. GARBER of Oklahoma: Petition of Order of Railway Conductors and the Railway Telegraphers, Springfield, Mo., in support of Couzens resolution, S. J. Res. 161; to the Committee on Interstate and Foreign Commerce.

7511. Also, petition of Canisteo Chamber of Commerce, Canisteo, N. Y., in re Senate Joint Resolution 161; to the Committee on Interstate and Foreign Commerce.

7512. Also, petition of Southern California Retail Druggists Association, Los Angeles, Calif., in opposition to House bill 11; to the Committee on Interstate and Foreign Commerce.

7513. Also, petition of Brotherhood of Railroad Trainmen, Oklahoma City Lodge, No. 725, Oklahoma City, Okla., in support of Senate Joint Resolution 161; to the Committee on Interstate and Foreign Commerce.

7514. By Mr. KIEFNER: Letters from Hon. Charles M. Hay, St. Louis, Mo., general chairman of the Frisco Lines at Springfield, Mo.; D. W. Gramling, chairman the Missouri State Legislative Board of the Brotherhood of Locomotive Engineers, Fomfelt, Mo.; and the general chairman of the organizations—the Order of Railway Conductors and the Order of Railroad Telegraphers—all urging the passage of the Couzens joint resolution proposing to suspend the powers of the Interstate Commerce Commission to authorize consolidations and unifications of railroads until such time as proper legislation for the protection of employees and public in general can be passed by Congress; to the Committee on Interstate and Foreign Commerce.

7515. By Mr. PATMAN: Petition of H. G. Hemby and 54 other citizens of Texas favoring Senate bill 1468, to amend the food and drugs act of June 30, 1906; to the Committee on Agriculture.

7516. By Mr. HARCOURT J. PRATT: Petition of Kate A. Covert and Irene Sickler, of Highland and Clintondale, N. Y., for Clintondale (N. Y.) Woman's Christian Temperance Union, urging enactment of law for the Federal supervision of motion pictures; to the Committee on Interstate and Foreign Commerce.

7517. Also, petition of Emma Y. Carpenter and Lizzie Dransfield, of Walkill, Ulster County, N. Y., for Plattekill Woman's Christian Temperance Union, urging enactment of laws for the Federal supervision of motion-picture production; to the Committee on Interstate and Foreign Commerce.

#### SENATE

TUESDAY, June 10, 1930

(Legislative day of Monday, June 9, 1930)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 2836. An act to admit to the United States Chinese wives of certain American citizens;

S. 4085. An act to authorize the use of a right of way by the United States Indian Service through the Casa Grande Ruins National Monument in connection with the San Carlos irrigation project;

S. 4169. An act to add certain lands to the Zion National Park in the State of Utah, and for other purposes;

S. 4170. An act to provide for the addition of certain lands to the Bryce Canyon National Park, Utah, and for other purposes; and

S. 4203. An act to amend the act approved February 12, 1929, authorizing the payment of interest on certain funds held in trust by the United States for Indian tribes.

The message also announced that the House had passed the following bills of the Senate, severally with an amendment, in which it requested the concurrence of the Senate:

S. 1372. An act authorizing an appropriation for payment of claims of the Sisseton and Wahpeton Bands of Sioux Indians; S. 3619. An act to reorganize the Federal Power Commission; and

S. 3898. An act granting the consent of Congress to the Mill Four Drainage District, in Lincoln County, Oreg., to construct, maintain, and operate dams and dikes to prevent the flow of waters of Yaquina Bay and River into Nutes Slough, Boones Slough, and sloughs connected therewith.

The message further announced that the House had passed the bill (S. 3950) authorizing the establishment of a migratory bird refuge in the Cheyenne bottoms, Barton County, Kans., with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 7272. An act to provide for the paving of the Government road across Fort Sill (Okla.) Military Reservation;

H. R. 8372. An act to provide for the construction and equipment of an annex to the Library of Congress;

H. R. 9803. An act to amend the fourth proviso to section 24 of the immigration act of 1917, as amended;

H. R. 10657. An act to amend section 26 of the act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, as amended;

H. R. 11050. An act to transfer Willacy County in the State of Texas from the Corpus Christi division of the southern district of Texas to the Brownsville division of such district;

H. R. 11274. An act to amend section 305, chapter 8, title 28, of the United States Code relative to the compilation and printing of the opinions of the Court of Customs and Patent Appeals;

H. R. 11591. An act to amend the act entitled "An act authorizing the construction of a bridge across the Missouri River opposite to or within the corporate limits of Nebraska City, Nebr.," approved June 4, 1872;

H. R. 11700. An act to extend the times for commencing and completing the construction of a bridge across the Mahoning River at or near Cedar Street, Youngstown, Ohio;

H. R. 11729. An act to legalize a pier and wharf at the southern end of Port Jefferson Harbor, N. Y.;

H. R. 11783. An act to authorize the collection of penalties and fees for stock trespassing on Indian lands;

H. R. 11786. An act to legalize a bridge across the Arkansas River at the town of Ozark, Franklin County, Ark.;

H. R. 11900. An act to authorize the Secretary of the Interior to investigate and report to Congress on the desirability of the acquisition of a portion of the Menominee Indian Reservation in Wisconsin for the establishment of a national park to be known as Menominee National Park;

H. R. 12235. An act to provide for the creation of the Colonial National Monument in the State of Virginia, and for other purposes;

H. R. 12696. An act authorizing an appropriation for the purchase of the Vollbehr collection of incunabula; and

H. J. Res. 289. Joint resolution providing for the participation of the United States in the celebration of the one hundred and fiftieth anniversary of the siege of Yorktown, Va., and the surrender of Lord Cornwallis on October 19, 1781, and authorizing an appropriation to be used in connection with such celebration, and for other purposes.

#### ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution, and they were signed by the Vice President:

H. R. 6130. An act to exempt the Custer National Forest from the operation of the forest homestead law, and for other purposes; and

H. J. Res. 181. Joint resolution to amend a joint resolution entitled "Joint resolution giving to discharged soldiers, sailors, and marines a preferred right of homestead entry," approved February 14, 1920, as amended January 21, 1922, and as extended December 28, 1922.

#### SENATE OFFICE BUILDING COMMISSION

The VICE PRESIDENT. The Chair appoints the Senator from Washington [Mr. JONES] and the Senator from Maryland [Mr. GOLDSBOROUGH] to fill the vacancies on the Senate Office

Building Commission authorized by the sundry civil act approved April 28, 1904.

#### CALL OF THE ROLL

Mr. FESS. Mr. President, I suggest the absence of a quorum. The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Gillett	McCulloch	Smoot
Ashurst	Glass	McKellar	Steck
Barkley	Glenn	McMaster	Steiwer
Bingham	Goff	McNary	Stephens
Black	Goldsborough	Metcalf	Sullivan
Blaine	Greene	Moses	Swanson
Borah	Hale	Norbeck	Thomas, Idaho
Bratton	Harris	Norris	Thomas, Okla.
Brock	Harrison	Oddie	Townsend
Bronssard	Hastings	Overman	Trammell
Capper	Hatfield	Patterson	Tydings
Caraway	Hawes	Phipps	Vandenberg
Connally	Hayden	Pine	Wagner
Copeland	Hebert	Pittman	Walcott
Couzens	Heflin	Ransdell	Walsh, Mass.
Cutting	Howell	Reed	Walsh, Mont.
Dale	Johnson	Robinson, Ark.	Waterman
Deneen	Jones	Robinson, Ind.	Watson
Dill	Kean	Robson, Ky.	Wheeler
Fess	Kendrick	Sheppard	
Frazier	Keyes	Shipstead	
George	La Follette	Shortridge	

Mr. SHEPPARD. I desire to announce that the Senator from Utah [Mr. KING], the Senator from South Carolina [Mr. SMITH], and the Senator from Florida [Mr. FLETCHER] are necessarily detained by illness.

The VICE PRESIDENT. Eighty-five Senators have answered to their names. A quorum is present.

#### FEDERAL CONTRIBUTION TO DISTRICT OF COLUMBIA EXPENSES

Mr. BINGHAM. Mr. President, I desire to call the attention of the Senate to a chart which has been placed on the wall of the Chamber and which very graphically and vividly discloses the increasing difference between the total expenses of the government of the District of Columbia and the Federal contribution thereto, as pointed out by the Senator from Ohio [Mr. FESS] yesterday in his reference to the matter. The upper line represents the increase in the cost of running the District of Columbia government. The lower line represents the amount of Federal contributions thereto, which for several years tended to remain in line with the increases in expenses at the ratio of 40 and 60 but for several years past have remained stationary at \$9,000,000. The chart strikingly shows the unfairness of the contention of the House conferees that there should be no compromise between their figure of \$9,000,000 and our figure of \$12,000,000.

#### WIPING RAGS—PARAGRAPH 922 OF TARIFF BILL

Mr. TOWNSEND. Mr. President, a misunderstanding has created an error in the tariff bill which, if left uncorrected, will work a great hardship upon American manufacturers of paper and defeat the intent of the Senate as expressed in the discussions of the item.

On March 21, 1930, three days before the tariff bill was sent to conference by the Senate, the senior Senator from Utah [Mr. SMOOT] asked and obtained unanimous consent to change the language of paragraph 922 in order to differentiate between rags for paper making and rags for other purposes. The Senator stated that the wording he suggested—and which was later approved by the conference committee and is now in the bill—had been prepared by the Treasury Department, and that it carried out the intent of the Senate, which was that rags used for wiping purposes were to be dutiable and that rags used for paper making were to be excluded from the paragraph.

Several Senators questioned the Senator from Utah as to whether or not the wording he submitted actually differentiated between cotton rags for wiping purposes and cotton rags for paper making, and the Senator assured them that it did and, inasmuch as the wording had been submitted by the Treasury Department, it should be adopted without change. Being thus assured by the statement of the Senator that paper-making rags were not included, the paper manufacturers did not give further consideration to the paragraph until it was brought to their attention that under the past interpretation of "chiefly used" by the Customs Court it was possible that all rags except the smaller rags used in paper making would be dutiable at 3 cents per pound, even though the rags were actually used in paper making. They accordingly took the matter up with the Treasury Department and learned that it was quite probable the larger rags which were suitable for wipers but actually used in paper making would be assessed at 3 cents per pound, and further that there was no record in the Treasury Department that the wording had been prepared by them.



Further inquiry developed that the Commissioner of Customs had probably verbally approved the wording as accomplishing what the Senate intended, which was a duty on wiping rags, without having considered the effect of "chiefly used" as interpreted by the Customs Court. The Commissioner of Customs was quick to see the complications that would arise, and on May 1 he wrote the Senator from Utah as follows:

TREASURY DEPARTMENT, BUREAU OF CUSTOMS,  
OFFICE OF THE COMMISSIONER,  
Washington, May 1, 1930.

HON. REED SMOOT,  
United States Senate.

MY DEAR SENATOR: My attention has been called to paragraph 922 of the tariff bill now pending. The Senate amendment 577 reads as follows:

"Rags, including wiping rags, wholly or in chief value of cotton, except rags chiefly used in paper making, 3 cents per pound."

Certain gentlemen interested in importing rags for paper stock have called attention to this language, which, it is claimed, will make all rags dutiable unless they are chiefly used in paper making.

I think there is good ground for their apprehension, and they tell me that you have advised them that this language was approved by me as accomplishing what you desired, i. e., making rags used for paper making free of duty. While I do not have any recollection on this subject, it is probable that I did so advise you, not at the time remembering that the courts had frequently decided where chief use is indicated in a paragraph of the tariff act it is incumbent upon importers to show that the product which they are importing is of a kind chiefly used for that purpose. Thus it might well be that a cargo of rags which are chiefly used as wipers, but which particular shipment is intended to be used and is ultimately used for paper making, will be held to be dutiable.

I think, therefore, that if it is your desire to make all rags used or to be used for making paper free of duty it would be well to adopt the following wording:

"Wiping rags, wholly or in chief value of cotton, except rags chiefly or actually used in paper making, 3 cents per pound."

If it were left entirely to the bureau, we could carry out the intention of Congress as expressed by the wording now in the bill and admit all rags intended for use as paper stock free of duty, but in view of previous rulings of the courts it seems probable that unless it were shown the rags were chiefly used for paper stock they would be dutiable.

I invite attention to the following decisions of the courts on articles classified according to chief use:

Meyers & Co. v. United States (T. D. 38557); Pacific Guano & Fertilizer Co. et al. v. United States (T. D. 42240); United States v. McBlaine & Co. et al. (T. D. 42566); and B. R. Anderson & Co. et al. v. United States (T. D. 43531).

Very truly yours,

F. X. A. EBLE.

#### REGISTRATION OF ALIENS

Mr. HEBERT. I present a resolution adopted by the Providence Fraternal Association, of Providence, R. I., in opposition to the proposed bill for the registration of aliens, which I ask may be printed in the RECORD; and, as the bill is on the Senate Calendar, I ask that the resolution may lie on the table.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

#### Resolution

Whereas it has been reported that the United States Senate recently passed a bill providing for the registration of aliens, and that it then reconsidered its vote, leaving the bill on the Senate Calendar for future corruption, petty persecution, espionage, and racketeering; and

Whereas the alien who is illegally in the United States is not likely to register under the provisions of the proposed law, so that the legislation will fail to reach the very persons whom it is designed to reach; and

Whereas it would be unenforceable, because it is utterly impossible to distinguish the illegal alien who does not register from the naturalized or native-born citizen; and

Whereas attempts to enforce the proposed law would subject countless naturalized and native-born citizens to humiliating suspicion and annoyance and persecution in proving their right to be in the United States of America; and

Whereas the proposed registration would arouse among legally admitted aliens widespread uneasiness and fear and sense of inferiority, surveillance, and discrimination that would be bitterly resented; and

Whereas it would single out and set apart the very part of our population whom it is desirable to incorporate more completely in the common life of the Nation, and instead of encouraging their loyalty and affection for America and its institutions, would retard assimilation and citizenship; and

Whereas such legislation would open the way to espionage and abuse by unscrupulous employers, police officers, and other authorities to an intolerable degree; and

Whereas the proposed plan would set in operation a vast and expensive machinery out of all proportion to the ends in view: Therefore be it

*Resolved by the Providence Fraternal Association in regular meeting assembled at Providence, on May 27, 1930,* That the Providence Fraternal Association is opposed to the enactment of any legislation designed to create either a voluntary or compulsory system of alien registration; and be it further

*Resolved,* That a copy of this resolution be forwarded to both Senators and Congressmen of the State of Rhode Island, with a request that they cause the same to be spread upon the CONGRESSIONAL RECORD; and be it further

*Resolved,* That copies of this resolution be spread upon the minutes of the Providence Fraternal Association and forwarded to the various representatives of the press.

Upon motion regularly made, seconded, and carried, this resolution was unanimously adopted.

SAMUEL P. LAZARUS, *President.*  
BARNEY M. KESSLER, *Secretary.*

[SEAL.]

#### NATIONAL INSTITUTE OF HEALTH

Mr. RANDELL. Mr. President, I present and ask leave to have published in the RECORD and lie on the table the following:

1. House concurrent resolution of the Louisiana Legislature, of June 4, 1930, in re the National Institute of Health;
2. A letter of June 6, 1930, from Francis P. Garvan to myself, relative to the National Institute of Health;
3. A speech by myself on the National Institute of Health as quoted in the Evening Star of May 30, 1930;
4. An editorial from the New York Times of May 24, 1930, on A New Health Institute;
5. An editorial from the New York Herald-Tribune of May 28, 1930, on A National Health Institute;
6. An editorial from the New Orleans (La.) Times-Picayune of May 29, 1930, on A United States Health Institute;
7. An editorial from the Monroe (La.) News-Star of May 30, 1930, on A National Institute of Health;
8. An article from the New Orleans (La.) Daily States of June 1, 1930, on The Ransdell Law;
9. An editorial from the Baton Rouge (La.) State-Times of June 3, 1930, entitled "Appreciation to RANDELL"; and
10. An editorial from the Washington (D. C.) Evening Star of June 5, 1930, on The National Health Institute.

There being no objection, the matter referred to was ordered to lie on the table and to be printed in the RECORD, as follows:

#### House Concurrent Resolution No. 9 (by Doctor Drouin)

Originated in the house of representatives. Unanimously adopted by the house, and concurred in by the senate, June 4, 1930.

J. MARTIAN HAMLEY,  
Clerk of the House of Representatives.

Whereas the Congress of the United States has passed, and the President of the United States has signed, the bill creating a national institute of health, introduced and sponsored by Senator JOSEPH E. RANDELL, of Louisiana; and

Whereas this measure is of enormous benefit to humanity, and is one of the outstanding pieces of legislation passed by the Congress in many years: Therefore be it

*Resolved by the house of representatives (the senate concurring),* That the appreciation of this legislature and the people of Louisiana be expressed to Senator RANDELL, and that he be highly recommended for his untiring work in bringing to a successful conclusion this fine piece of legislation.

That a copy of this resolution be sent to Senator RANDELL.

NEW YORK, June 6, 1930.

HON. JOSEPH E. RANDELL,  
United States Senate, Washington, D. C.

MY DEAR SENATOR: I beg to thank you profoundly for your letter of May 27 and the recognition of what I have been able to do to help you in your great fight for a national institute of health.

For four years you have fought unceasingly and unswervingly for the establishment of this great principle, and you are entitled to the thanks of every father and mother in the country—their children will realize the benefits of your struggle and will revere your memory.

As I dwell upon the establishment of this institute each day, I again visualize its greater possibilities. Its advice alone, accepted by all our people on questions of health, will avoid or find proper treatment for a large part of our diseases. You, yourself, expressed so clearly many of its possibilities that it is unnecessary for me to point them out. It will be my ambition not only to contribute myself, but to obtain other contributions of fellowship funds in this institute.

Please accept, my dear Senator, the gratitude of my wife, my children, and myself, for the long stride forward you have taken in accomplishing for your country good health in so far as it lies within the will of God.

Sincerely yours,

FRANCIS P. GARVAN.

[From the Washington (D. C.) Evening Star, May 30, 1930]

**HEALTH INSTITUTE LAW IS EXPLAINED—SENATOR RANDELL BROADCASTS INTENDED BENEFITS IN FORUM SPEECH**

Charging that the Government in the past has been more interested in our animals and plants than in the health of its citizens, Senator JOSEPH E. RANDELL, of Louisiana, told the American people over the National Radio Forum last night of the inestimable benefits he expects to ensue from the establishment of the new National Institute of Health just authorized by law.

Speaking through station WMAL over the forum arranged by the Washington Star, and sponsored by the Columbia Broadcasting System on a nation-wide network, Senator RANDELL, father of the legislation, declared:

**WOULD INCREASE HAPPINESS**

"The intent of the act is to promote the health of human beings, to improve their earning capacity, to reduce their living expenses, to increase their happiness, and to prolong their lives."

The plan of the institute, he explained, is to "make of it a great co-operative scientific organization, in which leading scientists will be brought together and given opportunity to work in unison for the purpose of discovering all the laws governing human life."

No infringement on State rights need be feared, the southern Senator explained, declaring that the measure he introduced enlarges and broadens the scope of the work now being done by the Public Health Service.

**TEXT OF SPEECH**

Senator RANDELL spoke as follows:

"On a previous occasion when I addressed the radio audience of America on my bill to create a national institute of health, that measure was still in the process of enactment. To-night I am glad to announce that it has passed all parliamentary stages and has now become a law—my dream come true.

"For several years I have been sponsoring this bill to establish a national institute of health in this city, to create a system of fellowships in it, and to authorize the Government to accept donations for use in ascertaining the cause, prevention, and cure of disease affecting human beings. This measure was first introduced by me on July 1, 1926, reintroduced December 9, 1927, again reintroduced May 21, 1928, finally passed by Congress on May 21, 1930, and given the binding force of law by the President's signature on May 26. The establishment of the National Institute of Health represents the first real and concerted effort on the part of our Government to combat the many unconquered diseases which now afflict human beings. It is the most forward step ever taken by the American Government in the interest of humanity.

**MEASURE WHOLLY ALTRUISTIC**

"This measure is unique, differing from any presented to Congress during the 30 years of my public service in Washington. Its purposes are wholly altruistic. It seeks to prevent sickness and suffering among all human beings, regardless of station, rich and poor alike being subject to the same illness and pain. The intent of the act is to promote the health of human beings, to improve their earning capacity, to reduce their living expenses, to increase their happiness, and to prolong their lives.

"The plan of the institute is to make of it a great co-operative scientific organization in which leading scientists will be brought together and given opportunity to work in unison for the purpose of discovering all the laws governing human life. I confidently believe that when there is brought together in one central place, under one directing head—a Napoleon of health—the very ablest experts in the sciences of chemistry, pharmacy, dentistry, medicine, surgery, physics, biology, bacteriology, pharmacology, and a concentrated, united effort for a term of years is made by them against disease, singling out first the more important maladies, such as anemia, cancer, tuberculosis, common cold, and pneumonia, that success will result therefrom.

"Beyond question there should be one place in the United States where unceasing efforts are being made to conquer disease. While very remarkable and most beneficial efforts have been made in the war against disease by researches in science in our great medical schools and endowed institutions, there has never been in any one place a combination and concentration of all the branches of science such as is contemplated in the National Institute of Health.

**ANYONE MAY CONTRIBUTE**

"This institute will make the fight on disease the business of every man, woman, and child. Substantial appropriations will be made from time to time by Congress in furtherance of its work. In addition, liberal contributions to assist in the support of the institute will undoubtedly be made by patriotic humanitarians who desire to benefit their fellow men. These contributions will not be confined to the wealthy, however. Any gifts will be held in trust by the Secretary of the Treasury and the income thereof administered by the Surgeon General solely for the purposes indicated in the act, with all the safeguards attendant upon Federal appropriations. These contributions must be accepted by the Secretary of the Treasury for 'study, investigation, and research in problems of the diseases of man and matters pertaining thereto.'

There are precedents under which the Federal Government receives financial contributions from outside sources, notably the Smithsonian Institution and the Congressional Library.

"This act affords a splendid opportunity for the wealthy to greatly benefit humanity by making liberal contributions to the institute in support of its altruistic work, especially by the creation of a number of fellowships so that there will be no lack of funds to carry on the work in a comprehensive way. By so doing they will become real benefactors and will leave to posterity an undying record of their names and noble deeds.

**WILL AID OUTSTANDING STUDENTS**

"The most important feature of the bill is the provision for fellowships, which would be in the nature of chairs, as those chairs are founded in institutions. The most valuable asset of the people of the country is brains. There are young men who, by reason of lack of finances and lack of encouragement and the inaccessibility of a scientific environment in which to develop, have fallen by the wayside. The purpose of a measure of this kind is to have potentially available a provision whereby a young man could be aided, not for a few days or a few weeks to finish his education, but to aid him after he has graduated, provided he is an extraordinary student. I contemplate that nobody but outstanding students will receive consideration under this act, and their first duties would be to come to the National Institute of Health and receive their training and stimulus, and then be subject to detail wherever health problems might be desired to be taken up.

"The type of investigations that will be undertaken will be somewhat different than those conducted by any university or lesser legal organization than the Federal Government. There is excellent work being done, but the trouble with a great many investigations is they are boring in and do not know what the other person is doing. By means of exchanges of fellowships and details here and there over the country, and in other countries, the Surgeon General and the advisory board would be able to coordinate and stimulate investigation and assume leadership in this country, as far as practicable. This organization should be a court of last resort within the limits of present knowledge of scientific public-health subjects.

"Disease is the greatest and most formidable enemy of human life, as well as of animal and vegetable life. There are millions of sufferers from painful diseases about which little or nothing is known, but which cause many deaths and great economic loss. Preventive measures and remedies for unconquered diseases must come from the joint, intensive efforts of the chemist, physicist, physiologist, pharmacologist, pathologist, immunologist, dentist, surgeon, and physician. We can not plead that there is no field for our Government to enter. The problems to be solved are manifold. To illustrate, I shall name a few of the more common diseases which still baffle medical skill and remain a curse to humanity: Anemia, mental troubles, heart diseases, infection of the teeth, nephritis, rheumatism, common cold, influenza, tuberculosis, pneumonia, cancer, high and low blood pressure, infantile paralysis, and arthritis. This list of unconquered diseases is only a partial one, but offers a vast field for research work. It illustrates convincingly the imperative need for a national institute of health. Moreover, new diseases appear on the horizon constantly, and before them medical skill is impotent. While the death rate of some diseases has been greatly decreased within the last quarter of a century, the rate for others has mounted year after year. The increase in rate for cancer and heart trouble is especially alarming. In the last eight years cancer has jumped from eighth place to second in the causes of death. In 1929, more than 120,000 people died of this dread disease in this country.

"Our Government has been more interested in animals and plants than in the health of its citizens. In the five years prior to 1929 the total appropriations made by Congress for plant and animal life aggregated \$54,000,000, and they were all-wise expenditures. During the same period we appropriated something under \$4,000,000 to make scientific research and investigation into the diseases of human beings. Doctor Dublin, statistician of the Metropolitan Life Insurance Co., said recently that the wealth of this country composed of real estate, plants, animals, mines, and manufactured products of every kind, aggregated \$321,000,000,000, while the value of our vital assets—our men and women—aggregates \$1,500,000,000,000—five times the value of our property assets combined. Plants and animals constitute only a small percentage of our material wealth, yet in five years this Government gave \$54,000,000 for the diseases of plants and animals and only \$4,000,000 for human beings.

**PREMATURE DEATH COST ESTIMATED**

"Entirely apart from the inconvenience, suffering, and sorrow, what an economic loss the Nation's health bill represents—inefficiency in work, absenteeism from daily duties, prolonged stays in hospitals, and expenses of medical treatment. Three estimates of the annual repair bill of the human frames of our citizens, namely, the cost of medical service, have been made. Doctor Dublin estimates it at about \$1,000,000,000; Doctor Herty, of New York, about \$1,015,000,000; while the Red Cross estimates it at \$60 per family, or practically \$1,500,000,000. To this great amount must be added further loss from wages, amounting to at



least \$2,000,000,000, and finally some \$6,000,000,000, representing the financial value of the lives lost through premature death from preventable diseases every year. We thus reach figures of startling magnitude—about \$15,000,000,000—far exceeding losses from floods and all other national disasters combined.

"Some one may ask, 'What hope have you that a national institute of health will enable American scientists to discover the causes of the diseases and offer a remedy therefor?' In reply let me state the foundation of human progress is the genius of individuals crystallized in the form of discoveries. Before the days of Hippocrates, the father of medicine, men had sought to prevent the outbreaks of diseases which threatened to, and frequently did, overwhelm them. During the Middle Ages the scourges of leprosy, plague, cholera, and smallpox compelled the attention of thoughtful men. Eventually man perceived that without definite knowledge of the source of disease, especially its cause and mode of spread, he was without prospect of discovering means of its prevention. The recital of the search for and finding of these fundamental facts is the history of preventive medicine, and their practical application is the history of public health work.

"To those of you who, like myself, are advocates of the principles of State rights, let me say that under my bill no new bureau of the Government is contemplated. The institute simply enlarges and broadens the scope of the work now being done by the United States Public Health Service. The health activities of individuals, medical schools, hospitals, scientific institutions, and State departments of health will not be interfered with, but, on the contrary, aided materially by the institute. The State health officers throughout the country are heartily in favor of the institute. Disease does not recognize State or National boundaries. When cancer hits, it does not consider State lines. When tuberculosis strikes, it does not know North, East, South, or West. One section of the act specifically states that 'the facilities of the institute shall from time to time be made available to bona fide health authorities of States, counties, or municipalities for purposes of instruction and investigation.'

#### NATION'S LEADERS SUPPORTED BILL

"During the years of persistent effort following the first introduction of this measure, July 1, 1926, many men of vision and love for their fellows have assisted materially in doing the education work necessary for its proper understanding by Congress. It is impossible to name all of them, but I can not refrain from mentioning President Hoover; ex-President Coolidge; Mr. Andrew Mellon, Secretary of the Treasury; and Mr. Francis P. Garvan, president of the Chemical Foundation. These four great Americans saw with clear eyes the possibilities of this health institute for preventing or curing disease, with its awful suffering and colossal economic losses not only to our country but to the whole world. They, and many others, gave their whole-hearted support to the bill. I wish especially to thank my colleagues in both Houses of Congress who assisted in the passage of the measure.

"On behalf of the countless millions in the ages to come who will be benefited by this institute, I thank those gentlemen and all others who have given and who hereafter may give it aid and assistance.

"Our newspapers are the greatest molders of public opinion in the land, and by their continued support of the altruistic purposes of this institute they can assist materially in carrying on the work of educating the entire citizenry to thoroughly understand its objects and become active cooperators with it."

[From the New York Times, May 24, 1930]

#### A NEW HEALTH INSTITUTE

Blanketed by the debates over the tariff, the treaty, and the Supreme Court, a bill has slipped through Congress, almost unnoticed, which will have a place in governmental history. It sets up a national institute of health. This has long been the dream of Senator RANDELL, of Louisiana. In realizing it he has had the support of the American Medical Association, the American Public Health Association, and various scientific bodies. His bill has the indorsement of Secretary Mellon and will doubtless be signed by President Hoover, who has always taken a special interest in scientific research and in Government agencies to further it.

Under the Ransdell bill the Hygienic Laboratory is made the nucleus of the new establishment, which will be devoted to the purpose of inquiring into the cause, prevention, and cure of diseases. The Treasury Department is specifically authorized to accept gifts from private sources for the furtherance of these investigations, much as the Library of Congress was authorized some years ago to accept donations in its field. A system of fellowships in scientific research has been devised in order to secure the proper personnel and to encourage men and women of exceptional proficiency to devote their efforts to the war on disease. While a great deal has been accomplished by the universities, medical schools, and endowed institutions, these efforts heretofore have often lacked coordination. The idea is to make the institute "a great cooperative scientific organization in which leading experts in every branch of science will be brought together and given an opportunity to work in unison for the purpose of discovering the natural laws governing human life."

The country's annual "human repair bill" runs to about \$1,000,000,000. That takes no account of loss of time or loss of life from preventable disease. Congress has appropriated vast sums for research in crops and livestock, in mines and minerals, and in the problems and processes of industry, but it has done comparatively little to further the cause of human health. The workers in the Hygienic Laboratory have shown what could be done even with meager funds. With the far larger resources that the national health institute will ultimately command it should be capable of doing great things.

[From the New York Herald Tribune, Wednesday, May 28, 1930]

#### A NATIONAL HEALTH INSTITUTE

The project of a national institute of health, which the Ransdell bill, signed by President Hoover, authorizes, has been commended to Congress repeatedly by medical organizations and many distinguished men of science. The institute will make possible the expansion of research activities hitherto restricted by too meager facilities and funds. It will enable the Government to devote to human health a quality and quantity of expert study commensurate with the efforts it expends on the hygiene of plants and animals.

The institute is to be virtually an enlargement, with suitable buildings and equipment, of the present Hygienic Laboratory in Washington, under the control of the Surgeon General, for the purpose of "scientific research in the problems of the diseases of man and matter pertaining to health." The Treasury Department is authorized to accept gifts unconditionally for study, investigation, and research by the institute. The scheme provides also for a system of fellowships in scientific research by which the institute may encourage men and women of marked proficiency in research relating to disease.

Senator RANDELL, of Louisiana, to whose persevering campaign this favorable action for public health is mainly credited, considers the measure "one of the most important ever enacted by Congress in the interest of humanity." Yet probably but a small minority of citizens had ever heard that such a beneficial enterprise as the National Institute of Health was being considered. It is an example of good legislation getting passed after overcoming much inertia, without excitement or contention or popular discussion.

[From the New Orleans (La.) Times-Picayune, May 29, 1930]

#### A UNITED STATES HEALTH INSTITUTE

Several months ago we commented in these columns on the anomaly in the fact that while great energy, money, and brains were being expended through Government activities for research in plant and animal life, in order to improve agriculture and animal husbandry, very little, indeed, was being done—through lack of a special agency for that work—to increase human qualities of brain and body. Our remarks were called forth by a measure to correct this unbalanced condition introduced in Congress by Louisiana's own senior Senator [JOSEPH E. RANDELL]. The purpose was one that our solon from north Louisiana had long held near his heart and for which he had labored quietly but efficiently.

And now we are able to express our pleasure and pride in the fact that the Ransdell bill, for the establishment of a national health institute with the purposes set forth above, has passed Congress and has received approval and signature by President Hoover. This new branch of Federal service is not one of a spectacular nature whose advent has been greeted by huzzas from the public, its fine altruism being of quite another kind.

The institution is one, in fact, that rather will grow steadily in importance and whose good works cumulatively will add to the well-being of the Nation without many of its millions of beneficiaries even realizing the fine and necessary things the organization will have accomplished. However, within the medical and scientific fold the institute's establishment is of greatest moment and we can predict with assurance that the fellowships, designated under the act and filled by the United States Surgeon General as appointing power, will be honors coveted by some of the ablest scientists in America. The measure as enacted sets forth in careful detail how the organization shall be effected and the duties that will devolve upon the carefully selected personnel.

Senator RANDELL has received high praise for his tireless devotion to the securing of this great addition to our national health service.

[From the Monroe News-Star, of Monroe, La., May 30, 1930]

#### A NATIONAL INSTITUTE OF HEALTH

Senator RANDELL, of Louisiana, has succeeded in securing the passage of a bill to create a national institute of health. The bill was signed May 26 by President Hoover and is now the law.

Because of its altruistic character, the measure slipped through Congress almost unnoticed and subsequently has not attracted a great deal of publicity. Yet it is one of the most important pieces of welfare legislation ever passed by Congress.

The bill has long been the dream of Senator RANDELL. Its object is "to promote the health of human beings, to improve their earning



capacity, to reduce their living expenses, to increase their happiness, and prolong their lives" by ascertaining the cause of disease and applying preventive measures in advance of its outbreak.

It has received the indorsements of distinguished men of science and of all the national organizations of related scientific research. President Hoover, former President Coolidge, Secretary of the Treasury Mellon, and Francis P. Garvan, president of the Chemical Foundation, assisted the Louisiana Senator materially in securing its passage.

Under the provisions of Mr. RANDELL'S bill the Hygienic Laboratory at Washington will be made the nucleus of the new establishment to inquire into the cause, prevention, and cure of disease. The Treasury Department is authorized to accept gifts from private sources for the institute, much as the Library of Congress and the Smithsonian Institution were authorized to accept donations.

The bill also proposes the establishment and maintenance in the institute of a "system of fellowships in scientific research in order to secure the proper scientific personnel and to encourage and aid men and women of marked proficiency to combat the diseases that menace human health."

In several of his addresses on the measure Senator RANDELL pointed out that while a great deal had been accomplished by the universities, medical schools, and endowed institutions in fighting disease these efforts lacked coordination. His idea, then, is to make the institute "a great cooperative scientific organization in which leading experts in every branch of science will be brought together and given an opportunity to work in unison for the purpose of discovering the natural laws governing human life."

Entirely apart from its humanitarian feature, the measure, from an economic standpoint, will greatly benefit the Nation. Estimates of the annual "human repair bill" range from \$1,000,000,000 to \$1,500,000,000. To this must be added \$2,000,000,000 for loss of wages, inefficiency in work, etc., and finally some \$6,000,000,000 representing the financial value of lives which have been lost through premature death from preventable causes.

Congress has appropriated vast sums for research in crops and livestock, in mines and minerals, and in the problems and processes of industry, but it has done comparatively little to further the physical welfare of the people. It has not authorized any extensive research into the cure for cancer, Bright's disease, tuberculosis, infantile paralysis, influenza, and pneumonia.

The Hygienic Laboratory has shown what could be done even with meager funds. With the far larger resources that will be available for the National Institute of Health great progress in controlling the dread diseases should be made.

The Ransdell bill marks an epoch in the history of welfare legislation. We are proud that its author is a Louisianian.

[From the New Orleans (La.) Daily States, June 1, 1930]

#### THE RANDELL LAW

President Hoover last week with his signature made effective a law that creates the National Institute of Health.

It represents the concrete result of several years of earnest educational work by Senator RANDELL, of Louisiana, its author, and in the opinion of many members of the medical profession throughout the country is fraught with more good for humanity than any previous law of Congress, though by reason of its purely altruistic character it has not attracted a great deal of publicity. That it will later get, when the institute is well established and on a firm, sound operation for the relief of the suffering.

In his long struggle to persuade Congress to pass the bill Senator RANDELL has had the hearty support of the American Medical Association, of the American Public Health Association, and of numerous scientific bodies. Moreover, he has had the help of Secretary Mellon, within whose jurisdiction the health and medical bodies of the Government operate. The sympathetic interest of President Hoover in the aims and purposes of the measure is reflected in the promptness with which he gave the bill his approval.

The Federal Hygienic Laboratory under the terms of the law is made the nucleus of the institute, which is to devote itself to the cause, prevention, and cure of diseases. Authority is given to the Treasury Department to accept gifts from private sources for the furtherance of these investigations. A system of fellowships in scientific research is provided for to obtain the proper personnel and to encourage men and women of exceptional proficiency to their efforts in the crusade against disease. One of the fundamental purposes of the institute will be to establish a great cooperative scientific organization, to which leading experts in every branch of science will be brought together and given an opportunity to work in unison for the purpose of discovering the natural laws governing human life.

Heretofore the Government has been prodigal in expenditures for research in crops and livestock, in mines and minerals, and in the problems and processes of industry, but, as the New York Times, applauding the enactment of the Ransdell law, says, it has done comparatively little to further the cause of human health. Passage of the Ransdell bill indicates that Congress finally has come to realize that it ought to

do as much in respect of research work to conserve human lives as it has done in other directions.

Outstanding are the achievements to be credited to the Hygienic Laboratory, despite its inadequate appropriations. Now that it is to join hands with the national health institute, commanding a large income from public and private sources, the field in which it will be able to render service to afflicted humanity is not readily to be measured.

When Senator RANDELL initiated his effort to bring about the establishment of the national health institute few believed that his efforts would succeed. Yet by reason of his persistency and the influence he has earned in Congress by long service they have. That achievement on the part of the senior Louisiana Senator deserves appreciation and recognition by his constituency.

[From the Baton Rouge (La.) State Times, June 3, 1930]

#### APPRECIATION TO RANDELL

One of the most important accomplishments of the congressional session now nearing an end is the passage of the bill sponsored by Senator JOSEPH E. RANDELL, of Louisiana, providing for the creation of a national institute of health. This measure, which has been followed with interest in many sections of the country, has been signed by President Hoover, this act marking the final detail of its enactment into law.

While from the nature of this measure, notably altruistic in its character, it has not attracted the publicity accorded many bills of a controversial or political type, it nevertheless ranks high in its potentialities among all those considered by Congress. In fact, it is one whose far-reaching effects can not be visualized. In a peculiarly personal way it carries the possibility of enormous benefit to humanity. The bill does not create any new bureaus or commissions, but will utilize existing governmental machinery, and calls for considerable enlargement of the hygienic laboratory, which is merged in and made a part of the national institute.

Briefly, the bill contains three distinct features: First, it provides for the creation of a National Institute of Health in the Public Health Service under the administrative direction and control of the Surgeon General for the special purpose "of pure scientific research to ascertain the cause, prevention, and cure of diseases affecting human beings." Secondly, it authorizes the Treasury Department to accept gifts unconditionally for study, investigation, and research in problems relating to health. Third, it provides for the establishment and maintenance in the institute of a system of fellowship in scientific research in order to secure the proper scientific personnel and to encourage men or women of marked proficiency to combat diseases menacing human health.

The fight against disease is not new, of course. Various institutions have been established, many by private gifts or by endowment, for conquering those insidious maladies which are so deadly to the human race, and which cause such untold suffering. These institutions are doing a notable work. Yet through the establishment of the National Institute of Health it will be possible to carry so much further the battle against disease. It will be possible more thoroughly to coordinate effort, to use the accomplishments of numerous branches of science, to give place to the surgeon, the physician, the chemist, the biologist, the bacteriologist, the physicist, the pharmacist, the dentist—to all who contributed to health, or whose efforts are so closely linked with any concerted fight against disease.

America has won many wars, but the specter of unconquered ailments still casts its ghastly shadow. Modern science and surgery have triumphed over some of the most deadly diseases, yet as long as the secret of even one baffling malady is unfathomed, there is a challenge to the best minds of the medical and surgical world, and to the resources of the Nation.

Senator RANDELL has long realized this duty which the Nation owes to humanity—rich and poor alike. For some years he has bent his energies toward making possible a broader, more extensive, more far-reaching fight against disease. The passage of the National Institute of Health bill for which he has labored so diligently is the realization of a cherished dream. It represents a fine work for humanity, whose possible results in the years to come can be realized only dimly at present.

Senator RANDELL deserves the appreciation of the entire Nation for this notable piece of legislation.

[From the Evening Star, Washington, D. C., June 5, 1930]

#### THE NATIONAL HEALTH INSTITUTE

Great things sometimes have such small beginnings that they are apt to escape public attention at their inception and realization of their significance comes slowly only with the years. During the last few days the President has signed a measure that is so great in the possibilities presented that even the description of its purpose by the author falls short of conveying its full import. Of his bill to create the National Institute of Health, Senator RANDELL said in the National Radio Forum last week:

"It seeks to prevent sickness and suffering among all human beings, regardless of station, rich and poor alike being subject to the same ill-



ness and pain. The intent of the act is to promote the health of human beings, to improve their earning capacity, to reduce their living expenses, to increase their happiness, and to prolong their lives."

If any measure ever enacted by Congress and signed by the President is more inclusive of altruistic purposes, it escapes memory now. And Senator RANDELL's interesting explanation of the act promises that another step has at least been taken toward a goal common to mankind since the beginning of time—to live happily ever afterwards.

The National Institute of Health will be established under patronage of the Federal Government and the direction of the Public Health Service to provide a center of research for those who spend their lives seeking the cause and cure of disease. It will draw financial support from the Federal Government, but better still, it offers an opportunity for those who seek to perpetuate their names or fortunes in some form that will live after them. The National Institute of Health, it is believed, will become the beneficiary of wealthy humanitarians whose contributions will be utilized in the establishment of fellowships for students and in other forms that permit of comprehensive and unrestricted research.

Senator RANDELL mentions a few statistics that are enlightening in connection with this great project. The Federal Government, for instance, spent something like \$54,000,000 in the five years prior to 1929 in the interest of animals and plants. During the same period about \$4,000,000 was spent by the Federal Government for scientific research in diseases that afflict human beings. Of course, the money spent outside the Federal Government for this latter purpose far exceeds the money spent for plants and animals. Fortunately, the Federal Government is not the only agency interested in prolonging human life and the cure of disease. But the difference is marked enough to indicate the length that Uncle Sam may go in fighting human disease and still fall short of equaling the amount he sets aside every year to grow bigger and better tomatoes, wheat, horses, cows, and pigs.

A Government of the people could find no higher ideal than that which Senator RANDELL has outlined as the purposes of the legislation he sponsored.

#### REPORTS OF COMMITTEES

Mr. HOWELL, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 885. An act for the relief of George F. Newhart, Clyde Hahn, and David McCormick (Rept. No. 874); and

H. R. 8591. An act for the relief of Henry Spight (Rept. No. 875).

Mr. WATERMAN, from the Committee on the Judiciary, to which was referred the bill (H. R. 972) to amend an act entitled "An act providing for the revision and printing of the index to the Federal Statutes," approved March 3, 1927, reported it without amendment and submitted a report (No. 876) thereon.

He also, from the same committee, to which was referred the bill (S. 4425) to amend section 284 of the Judicial Code of the United States, reported it with an amendment and submitted a report (No. 877) thereon.

Mr. BRATTON, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 2471) authorizing the Secretary of the Interior to grant a patent to certain lands to Minerva E. Troy, reported it without amendment and submitted a report (No. 878) thereon.

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, to which were referred the following bills, reported them severally without amendment:

H. R. 5190. An act to enable the Postmaster General to authorize the establishment of temporary or emergency star-route service from a date earlier than the date of the order requiring such service;

H. R. 9300. An act to authorize the Postmaster General to hire vehicles from village delivery carriers;

H. R. 11007. An act to amend the act of August 24, 1912 (ch. 389, par. 7, 37 Stat. 556; U. S. C., title 39, sec. 631), making appropriations for the Post Office Department for the fiscal year ending June 30, 1913; and

H. R. 11082. An act granting a franking privilege to Helen H. Taft.

Mr. DALE, from the Committee on Commerce, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 4518. A bill granting the consent of Congress to the Texarkana & Fort Smith Railway Co. to reconstruct, maintain, and operate a railroad bridge across Little River in the State of Arkansas at or near Morris Ferry (Rept. No. 879);

S. 4606. A bill granting the consent of Congress to the State of Georgia and the counties of Wilkinson, Washington, and Johnson to construct, maintain, and operate a free highway bridge across the Oconee River at or near Balls Ferry, Ga. (Rept. No. 880);

S. 4654. A bill granting the consent of Congress to the Niagara Frontier Bridge Commission, its successors and assigns, to construct, maintain, and operate a toll bridge across the east branch

of the Niagara River at or near the city of Niagara Falls, N. Y. (Rept. No. 881); and

S. 4655. A bill granting the consent of Congress to the Niagara Frontier Bridge Commission, its successors, and assigns, to construct, maintain, and operate a toll bridge across the east branch of the Niagara River at or near the city of Tonawanda, N. Y. (Rept. No. 882).

#### ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on to-day, June 10, 1930, that committee presented to the President of the United States the following enrolled bills:

S. 517. An act for the relief of Arch L. Gregg; and

S. 3054. An act to increase the salaries of certain postmasters of the first class.

#### REPORT OF NOMINATIONS

Mr. PHIPPS, as in executive session, from the Committee on Post Offices and Post Roads, reported sundry post-office nominations, which were placed on the Executive Calendar.

#### NEWSPAPERS AND PERIODICALS FOR OFFICIAL USE

Mr. WATERMAN. Mr. President, from the Committee on the Judiciary, I report back favorably without amendment the bill (H. R. 976) providing that subscription charges for newspapers, magazines, and other periodicals for official use may be paid for in advance, and I submit a report (No. 873) thereon. I call the bill to the attention of the senior Senator from Washington [Mr. JONES].

Mr. JONES. I ask unanimous consent for the present consideration of the bill. It has passed the House.

The VICE PRESIDENT. Is there objection to the request of the Senator from Washington?

Mr. ROBINSON of Arkansas. Mr. President, I did not understand the purpose of the bill from the reference to it by the Senator from Colorado.

The VICE PRESIDENT. The bill will be read.

The legislative clerk read the bill.

Mr. JONES. I may say in explanation that in several instances we have had to provide specifically for the purchase of newspapers, and so forth, because they have to be paid for in advance.

Mr. ROBINSON of Arkansas. The bill does not refer to newspapers for the use of the Senate?

Mr. JONES. No; for the use of the various departments of the Government. It is to avoid the necessity of having a specific provision inserted in each of the various departmental appropriation bills.

Mr. ROBINSON of Arkansas. I have no objection.

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That subscription charges for newspapers, magazines, and other periodicals for official use of any office under the Government of the United States or the municipal government of the District of Columbia may be paid in advance from appropriations available therefor, notwithstanding the provision of section 3648 of the Revised Statutes (U. S. C., title 31, sec. 529).

#### BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BROCK:

A bill (S. 4669) authorizing an appropriation to provide for the resurfacing of a road in the Chickamauga-Chattanooga National Military Park; to the Committee on Military Affairs.

By Mr. SHEPPARD:

A bill (S. 4670) for the relief of Anna Myers; to the Committee on Claims.

By Mr. WALSH of Montana:

A bill (S. 4671) granting the consent of Congress to the State of Montana, the counties of Roosevelt, Richland, and McCone, or any of them, to construct, maintain, and operate a free highway bridge across the Missouri River at or near Poplar, Mont.; to the Committee on Commerce.

By Mr. KEAN:

A bill (S. 4672) for the relief of Elizabeth T. Cloud; to the Committee on Claims.

A bill (S. 4673) for the relief of Robert J. Foster; and

A bill (S. 4674) to grant relief to those States which brought State-owned property into the Federal service in 1917; to the Committee on Military Affairs.

By Mr. HOWELL:

A bill (S. 4675) for the relief of the Seward City Mills (Inc.) (with accompanying papers);

A bill (S. 4676) for the relief of the estate of Thomas Bird, deceased (with accompanying papers); and



A bill (S. 4677) for the relief of Dr. B. T. Williamson, of Greenwood, Miss. (with accompanying papers); to the Committee on Claims.

By Mr. KEYES:

A bill (S. 4678) granting a pension to Sophia Sutcliffe; to the Committee on Pensions.

By Mr. PATTERSON:

A bill (S. 4679) granting a pension to Hedwig Bertha Laval; to the Committee on Pensions.

By Mr. GEORGE:

A joint resolution (S. J. Res. 188) authorizing the Surgeon General to conduct an investigation and survey of malaria conditions in the United States; to the Committee on Commerce.

#### HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by their titles and referred as indicated below:

H. R. 7272. An act to provide for the paving of the Government road across Fort Sill (Okla.) Military Reservation; to the Committee on Military Affairs.

H. R. 9803. An act to amend the fourth proviso to section 24 of the immigration act of 1917, as amended; to the Committee on Immigration.

H. R. 10657. An act to amend section 26 of the act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, as amended; to the Committee on Territories and Insular Affairs.

H. R. 11050. An act to transfer Willacy County in the State of Texas from the Corpus Christi division of the southern district of Texas to the Brownsville division of such district; to the Committee on the Judiciary.

H. R. 11274. An act to amend section 305, chapter 8, title 28, of the United States Code, relative to the compilation and printing of the opinions of the Court of Customs and Patent Appeals; to the Committee on Printing.

H. R. 11591. An act to amend the act entitled "An act authorizing the construction of a bridge across the Missouri River opposite to or within the corporate limits of Nebraska City, Nebr.," approved June 4, 1872;

H. R. 11700. An act to extend the times for commencing and completing the construction of a bridge across the Mahoning River at or near Cedar Street, Youngstown, Ohio;

H. R. 11729. An act to legalize a pier and wharf at the southern end of Port Jefferson Harbor, N. Y.; and

H. R. 11786. An act to legalize a bridge across the Arkansas River at the town of Ozark, Franklin County, Ark.; to the Committee on Commerce.

H. R. 11783. An act to authorize the collection of penalties and fees for stock trespassing on Indian lands; and

H. R. 11900. An act to authorize the Secretary of the Interior to investigate and report to Congress on the desirability of the acquisition of a portion of the Menominee Indian Reservation in Wisconsin for the establishment of a national park to be known as Menominee National Park; to the Committee on Indian Affairs.

H. R. 8372. An act to provide for the construction and equipment of an annex to the Library of Congress;

H. R. 12696. An act authorizing an appropriation for the purchase of the Vollbehr collection of incunabula; and

H. J. Res. 289. Joint resolution providing for the participation of the United States in the celebration of the one hundred and fiftieth anniversary of the siege of Yorktown, Va., and the surrender of Lord Cornwallis on October 19, 1781, and authorizing an appropriation to be used in connection with such celebration, and for other purposes; to the Committee on the Library.

#### COLONIAL NATIONAL MONUMENT, VA.

The VICE PRESIDENT laid before the Senate the bill (H. R. 12235) to provide for the creation of the Colonial National Monument in the State of Virginia, and for other purposes, which was read twice by its title.

Mr. SWANSON. Mr. President, a similar bill has been reported from the Committee on Public Lands and Surveys with amendments, and it is on the calendar. I ask unanimous consent that the bill from the House be substituted for the bill reported from the committee which is on the calendar.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

#### SENATOR HEFLIN'S PROHIBITION RECORD

Mr. HEFLIN. Mr. President, I ask unanimous consent to have printed in the Record an article from the Fellowship Forum regarding me and my record on prohibition. It contains a letter from Doctor McBride, president of the Anti-Saloon League of America, and also a letter commending my

service from Rev. Dr. Clarence True Wilson, of Washington, D. C.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

#### PROHIBITION LEADERS COMMEND SENATOR HEFLIN'S PROHIBITION RECORD AND ASSERT HIS DEFEAT WOULD BE SEVERE BLOW TO CAUSE OF SOBRIETY IN THE UNITED STATES

Every known brand of deceptive political bait is being used in Alabama to entice the dry Democrats into the wet-Raskob-Tammany primary, to be held there in August, but none of the propaganda put out by the wet forces in Alabama is more deceiving and misleading than a recent letter of John H. Bankhead, the Raskob-Tammany senatorial candidate, to the preachers of the State.

This letter, under date of June 2, begins by saying "let us get straight on the facts relating to prohibition."

Candidate Bankhead then quotes a few of his pro-prohibition statements which were made in 1922 and 1924. He calls the preachers' attention to the fact that "Senator Heflin spoke against the eighteenth amendment and voted against it" and that he "made one of the strongest local option speeches ever delivered in Congress." Candidate Bankhead's closing remark to the preachers of Alabama is that "It is not necessary for anyone to go out of the Democratic party to support a dry in the senatorial election."

That is what Mr. Bankhead said in his appeal for dry votes! Now, what did he not say?

He did not say that the bulk of his support was coming from the wet daily papers of Alabama which have fought on the side of liquor in that State since the memory of the oldest Alabamian runneth not to the contrary. Mr. Bankhead did not say that the primary which he is now begging the dries to come into was hatched up by a handful of wet politicians for the expressed purpose of preventing anyone of the thousands of dry Democratic men and women of Alabama who refused to support the wet Tammany ticket in 1928, from running for any office in that State from the legislature to the senate.

After giving his approval to the action of the "27" State Democratic committeemen in disfranchising the dry Protestant preachers and the other dry men and women of that State for opposing Smith, certainly Mr. Bankhead displays no little amount of brass when he asks the people whom he has helped humiliate to come into the wet-Raskob-Tammany primary bossed by Cy Brown.

And when he tries to mislead the people of Alabama in regard to Senator TOM HEFLIN's prohibition stand he certainly weakens his stand before the people of his State, regardless of whether they are supporters of HEFLIN or not.

Senator HEFLIN expressed his stand in 1917 in regard to national prohibition in the following letter, dated May 31, 1930, to one of his constituents who had written him on the question raised by Mr. Bankhead.

"You remember that we had a campaign in Alabama in 1909 for the purpose of putting the prohibition amendment in the State constitution. I supported that amendment and was in the fight which resulted in driving the barrooms from our State.

"At that time so many States were going dry through their own efforts and action that I felt that that method was the best way to bring about prohibition generally in the country, and as a Member of the House I did vote against submitting the eighteenth amendment, but since it was ratified I have given it my constant and active support and have voted for and helped to pass every statute that has been enacted for its enforcement. I am for retaining the eighteenth amendment in the Constitution and for all laws necessary to enforce it."

It seems rather ridiculous that anyone should ever question the prohibition record of Senator HEFLIN.

But in view of the fact that Candidate Bankhead is trying to entice dry Democrats of Alabama into the wet-Raskob-Tammany primary, the writer decided to question two of the Nation's outstanding defenders of prohibition and advocates of temperance in regard to what HEFLIN has meant to the cause of prohibition.

One of the men questioned was Dr. Clarence True Wilson, general secretary of the Board of Temperance, Prohibition, and Public Morals, Methodist Episcopal Church. For years Doctor Wilson has fought the liquor traffic and pleaded for the cause of temperance. He is an outstanding Methodist preacher, a great student, and a brilliant scholar. Doctor Wilson's letter in regard to Senator HEFLIN follows in full:

[Board of Temperance, Prohibition, and Public Morals, Methodist Episcopal Church, Clarence True Wilson, LL. D., general secretary, 100 Maryland Avenue NE., Washington, D. C.]

JUNE 5, 1930.

Mr. WALTER BROWN,

*The Fellowship Forum, Washington, D. C.*

MY DEAR FRIEND: You ask me how I would regard the defeat of Senator HEFLIN and if his going would be a loss to the temperance cause.



I do not hesitate to say that no man stands more thoroughly square on prohibition, its adequate legislation, and the enforcement of it than Senator HEFLIN has always stood—stands without hitching. The attempt to defeat him or to rule him off the ticket is the crooked attempt of a group of wets who are trying to punish the men who could not conscientiously support the great nullifier of the Constitution when his wet friends were trying to pry him into the Presidency.

There was plenty of room for honest differences of opinion in that fight. Senator HEFLIN used his own judgment and conscience in the matter, and the attempt to rule him out of the right to run as a Democrat is an unmitigated outrage against the freedom of American citizens and ought to be rebuked by any right-thinking man and woman. I wish that I were a citizen of Alabama so that I could take a couple of months off and go over the State and say so.

I hope you can find ways of helping him win out over his enemies and our enemies—the contemptible politicians who have not yet discovered that there is such a thing as conscience in American politics and that men ought not to be punished for following conscientious scruples.

Ever sincerely yours,

CLARENCE TRUE WILSON,  
General Secretary.

The other prohibition leader interviewed was F. Scott McBride, general superintendent of the Anti-Saloon League of America. He gladly gave the following letter:

[The Anti-Saloon League of America, Francis Scott McBride, general superintendent, 33 Bliss Building, Washington, D. C.]

JUNE 7, 1930.

Mr. WALTER BROWN,  
Washington, D. C.

DEAR SIR: You have inquired of me as to the standing and attitude of Senator J. THOMAS HEFLIN on the prohibition question.

I have been general superintendent of the Anti-Saloon League of America since 1924. I have spent much of my time in Washington during that period. I have been in close touch with the Senate in relation to the prohibition cause. Senator HEFLIN has proven himself to be an able and faithful champion of prohibition. It would be a real blow to the prohibition cause to have him defeated. I hope the people of Alabama who are for prohibition will keep this in mind.

Yours very sincerely,

F. SCOTT MCBRIDE,  
General Superintendent.

(The Fellowship Forum.)

#### THE TARIFF

Mr. NORBECK. Mr. President, I ask that there may be printed in the RECORD an index of 17 studies of the tariff made by the Fair Tariff League. This is a continuation of an index printed in the RECORD on May 2, 1930, page 8179.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

#### EXHIBIT 1

#### INDEX

*The tariff situation, especially as respects agriculture*

(Index to 17 tariff studies of the Fair Tariff League (for fair protection) inserted in CONGRESSIONAL RECORD by leading coalition Senators, 200 experts assisting)

	Congressional Record		
	Date	Page	Column
The East robs the West and South—The tariff permits the 6 Northeastern States below, who dictate the tariff, to add the following sums to their sales prices:			
Connecticut, \$386,000,000	Oct. 26, 1929	4925	2
Pennsylvania, \$1,376,000,000	Nov. 7, 1929	5298	2
Massachusetts, \$814,000,000	do	5300	1
New Jersey, \$747,000,000	Nov. 11, 1929	5411	2
New York, \$1,768,000,000	Dec. 10, 1929	1032	2
Rhode Island (estimated), \$207,000,000	Feb. 25, 1930	4197	1
President Hubbard, of Connecticut Manufacturers' Association: "We got more than we ever bargained for"	Oct. 26, 1929	4925	2
President GRUNDY of Pennsylvania Manufacturers' Association: "Pennsylvanians, because you have enjoyed much, you must contribute liberally in substance and energy"	Nov. 7, 1929	5299	2
What some collect others must pay—What the tariff costs certain farm States annually:			
Nebraska, \$66,000,000	Nov. 11, 1929	5408	1
Iowa	Nov. 12, 1929	5439	1
Texas, \$177,000,000	Feb. 25, 1930	4195	2
Georgia, \$109,800,000	do	4195	2
Florida, \$41,800,000	do	4195	1
North Dakota, \$21,800,000	Mar. 24, 1930	6009	1
South Dakota, \$31,000,000	Nov. 22, 1929	5928	2
Wisconsin, \$129,000,000	Feb. 25, 1930	4197	1
Minnesota, \$123,000,000	do	4197	1
Kansas, \$86,225,000	do	4197	1
Colorado, \$47,200,000	do	4197	1
Idaho, \$22,031,000	do	4197	1
Washington, \$77,055,000	do	4197	1
Utah, \$22,750,000	do	4197	1
Total, 27 States, \$1,988,661,000—7 years of present tariff, \$13,920,627,000.			
The above is on the basis of one-half of present tariff rates added to prices by manufacturers in 62 industries only. If they do not add one-half, why do they demand the full rates? Why not reduce these rates one-half? Why do they demand still further increases instead of permitting reductions?			
Farmers lose, net, in:			
Nebraska, \$22,133,000	Nov. 11, 1929	5408	1
Iowa, \$39,218,000	Nov. 12, 1929	5439	2
South Dakota, \$16,303,000	Nov. 22, 1929	5928	2
North Dakota, \$13,000,000	Mar. 24, 1930	6009	1
Pennsylvania, \$41,662,000	Feb. 25, 1930	4197	1
Illinois, \$43,440,000	do	4197	1
Indiana, \$36,665,000	do	4197	1
Cost to the public generally as consumers (see tables, last column): Our nonfarming population, city and town people, lose much more than farmers. They lose on 7 farm products only \$1,011,000,000; on 62 highly protected manufactured products only \$5,512,000,000. These losses on farm products are calculated with utmost care by most capable Federal and other agricultural experts.	Nov. 11, 1929	5408	1
Senator Underwood (Alabama) author of tariff of 1912: "I am in the business myself. I represent a great iron and steel district. I know this iron and steel schedule is a fraud and a shame. For every dollar the farmer may derive from the bill, they will pay \$100."	do	2189	2
How it happens—A moral issue: Character of Senate Finance Committee; Congress stalled.	Nov. 22, 1929	5932	2
The future of agriculture	Mar. 24, 1930	6008-6012	2
Findings, Bureau of Agricultural Economics. Outlook unfavorable.	do	6008	2
Production increasing amazingly, 50 per cent in 30 years, 22 per cent in 10 years.	do	6008	2
Milk and pork: Same food value from 2½ acres as from 15 acres in beef cattle.	do	6008	2
32 per cent more milk in 10 years; only 2 per cent more cows.	do	6008	2
Creamery butter increased 93 per cent in 6 States.	do	6008	2
National consumption and birth rate declining relative to production.	do	6008	2
Birth rate stationary in 1960, at 140,000,000, and never over 160,000,000.	do	6008	2
A consequent abandonment of large farm areas.	do	6008	2
500,000,000 additional acres still available for crops. Agriculture forever on an export, free-trade basis.	do	6008	2
Agricultural tariff of 1922-1929 amply high, but ineffective; worth only 10 per cent of face value. Face value \$3,000,000,000; cash value \$300,000,000; no value on most products.	Feb. 25, 1930	4193	2
Effect on farm land values	do	4194	1
The tariff on agricultural products:			
Five-sixths of all products analyzed.	Nov. 22, 1929	5933	1
Miscalculation and misery.	do	5933	1
Letter to Senator NORBECK.	do	5933	1

The tariff situation, especially as respects agriculture—Continued

	Congressional Record		
	Date	Page	Column
Speech of Senator BROOKHART.....	June 18, 1929	3024	1
The way out:			
Inform the public; stop grafting manufacturers.....	Feb. 25, 1930	4194	2
Present tariff commissioners dishonest or obsessed, costing American farmers \$3,000,000,000 to \$5,000,000,000 in 7 years.....	do.	4194	2
Facts distorted, conclusions forced.....	do.	4194	2
Contemplated reorganization must secure members absolutely known in advance to be best possible.....	do.	4194	2
Farmers in all nations that export farm products largely, except Denmark, suffer greatly from tariffs. They sell "Europe minus," at European prices less heavy freights. They buy "Europe plus," at Europe prices plus freights, plus heavy tariff charges.....	Nov. 22, 1929	5929	1
A farmer's tariff lesson.....	Jan. 11, 1930	1415	1
The East robs the West and South, and despises them after the robbing because they have so little left. Manufacturing East, West, and South, a contrast: Iowa, Nebraska, Kansas, Oregon, Illinois, Indiana, etc., versus Connecticut, New Jersey, Massachusetts, and Pennsylvania:			
Sectionalism of the worst sort.....	Nov. 12, 1929	5441-5443	
Do.....	Mar. 24, 1930	6011-6012	
Distribution of tariff benefits: Pennies to wage earners, dimes to the Government, and millions to manufacturers (tables).....	Nov. 19, 1929	5779	
High lights in tariff rates—tables:			
Connecticut duties, 101, 133, and 183 per cent (table).....	Nov. 12, 1929	5443	1
Massachusetts duties, 104, 132, and 173 per cent (second table).....	Nov. 7, 1929	5302	
New Jersey duties, 55, 79, and 106 per cent (second table).....	do.	5413	1
New York duties, 58, 64, and 78 per cent (second table).....	Dec. 21, 1929	1033	
The tariff and revenue: 23 metal products. For each dollar collected by the Government on competing imports, 7 heavy steel products collect \$59; 16 finished steel products are allowed \$280; hardware, \$1,726; electrical machinery, \$466; cash registers, \$3,879, etc.; the Government collects \$9,502,000; allowance to manufacturers, \$1,190,000,000.....	Nov. 11, 1929	5407	2
Consumers: Manufacturers' tariff rates doubled in retail prices; profits in certain overprotected industries.....	Nov. 22, 1929	5932	1
26 metal industries:			
Marvelous efficiency, huge profits, minimum wage costs, price fixing; each industry analyzed.....	Jan. 23, 1930	2187-2202	
The trusts greater than the Government.....	do.	2189	2
The tariff bonus—			
To 6 heavy steel products.....		\$335,000,000	
To 20 light steel products.....		1,029,000,000	
Total, 26 steel products.....		1,364,000,000	
Revenue to the Government \$16,200,000 (first table).....	do.	2200	
Imports and exports: Imports virtually prohibited; 0.8 of 1 per cent of production; exports ten times greater than imports.....	do.	2199	2
Duties carelessly granted, no proof required.....	do.	2199	1
Large tables, exhaustive analysis of 26 industries.....	do.	2201-2202	
Senator SMOOT assails Fair Tariff League, its methods and figures.....	Nov. 19, 1929	5777	1
Chairman Miles replies to Senator SMOOT; letter to Senator NORBECK.....	Nov. 22, 1929	5933	1
Wage earners and the tariff:			
Tariffs not written for wage earners.....	Jan. 11, 1930	1414-1417	
The miracle of American production.....	do.	1415	1
Efficiency of labor increased 58 per cent from 1914 to 1925.....	do.	1415	1
Labor less than one-half the factory cost.....	do.	1415	2
Our wage cost the lowest in the world in the standardized industries.....	do.	1416	1
Labor leaders approve the league's findings.....	do.	1416	1
Wages and tariff rates compared, table.....	do.	1416	2
Why is American labor so cheap?.....	do.	1417	1
A labor tariff committee needed.....	do.	1417	2
Relation of wages to tariff rates and to production (second table).....	Jan. 23, 1930	2200	
Wool tariff (last paragraph).....	Mar. 24, 1930	6010	1
Sugar tariff.....	do.	6010	2
Brick, tile and terra cotta: One man shapes 50,000 bricks per hour; wage cost 2 cents per thousand; proposed tariff, \$1.25 per thousand.....	Feb. 10, 1930	3368	2
Memorandum—in preparation: Analysis of general store merchandise, factory value, \$16,000,000,000; retail value, \$30,000,000,000, tariff cost to consumers estimated at \$5,000,000,000.			

## EXHIBIT 2

## INDEX

The tariff and 26 metal industries: statement in Congressional Record, January 23, 1930

(By Fair Tariff League)

	Congressional Record		Reprint	
	Page	Column	Page	Column
General subjects:				
Fair Tariff League—				
Purpose and membership.....	2187	2	1	1,2
Raw materials, cheap, abundant.....	2188	1	1	2
Marvelous efficiency—				
A coal car unloads 110 tons in 2 minutes.....	2188	1	1	2
A 12,000-ton ore boat loaded or unloaded in 1 or 2 hours.....	2188	1	1	2
Cost of properties.....				
Worth.....	500,000,000	2188	1	2
Cost of production, steel—				
As low as anywhere in the world.....	2188	2	2	1
Carnegie, "We have the trade of the world, the cost of producing rails at Gary won't be half as much as in England".....	2190	1	2	1,2
Schwab, "We can sell rails in England at the Englishman's cost".....	2190	1	2	2
Carnegie, "We own the world".....	2190	1	2	2
United States Steel Corporation, organized to capitalize the tariff—				
Properties worth.....	\$400,000,000			
Capitalized at.....	1,172,000,000			
Dividends paid.....	1,543,121,000	2188	2	
Market value of capital stock, Dec. 10, 1929.....	1,986,809,000			
Profits, 9 months of 1929.....	149,000,000			
United States Supreme Court approves uniform prices, uniformly high.....	2188	2	2	2
Price fixing and watered stocks.....	2188	2	2	1
Judge Gary.....	2188	2	2	1
Tariff added in full to prices.....	2188	2	2	1
Domestic prices 50 per cent above European.....	2188	2	2	1
Export prices meet European competition.....	2188	2	2	1
Price fixing of old.....	2188	2	2	2
Fair professions: Unlawful conduct, "fixing prices and restraining commerce upon a scale heretofore unapproached in our history" (Justice Day, United States Supreme Court).....	2189	1	2	2
The trusts greater than the Government.....	2189	2	3	1
Elections and Congress control. Foreign competitors afraid. Underselling England in England. Why European costs are high. Foreign competition small, consumption limited.....	2189	2	2	1
Can not use our mass-production methods. Our railroads dare not import rails (see Steel rails).....	2189	2	3	2
Duties carelessly granted. Congress fails as trustee of the public interest. No proof required, nor costs.....	2190	1	13	1



The tariff and 26 metal industries; statement in Congressional Record, January 23, 1930—Continued

	Congressional Record		Reprint	
	Page	Column	Page	Column
A congressional gift:				
To 6 heavy steel products.....				
To 20 light steel products.....				
Total, 26 industries.....	2199	2	13	1
Cost to consumers.....				
Congress culpable.....	2199	2	13	2
Revenue to Government (first table).....	2200		16	
For each \$1 to the Government, the industries can take average.....				
Costing consumers.....				
Hardware can take.....				
Cash registers.....				
Tinware.....				
Aluminum.....				
Sewing machines.....				
Each of 26 industries, table.....	2201		15	16
Imports negligible:				
0.8 of 1 per cent of domestic production. Hardware, 0.04 of 1 per cent. Tinware, 0.003 of 1 per cent. Electrical machinery, 0.1 of 1 per cent. Wire, 0.6 of 1 per cent, etc.....	2199	2	13	2
Each of 26 industries, table, column 4 (first table).....	2200		14	
Exports, large.....	2199	2		
In 1927, \$254,849,853. Against imports, \$45,982,529. Exports show increasing ability to meet world competition. In 1914, \$25,000,000. In 1927, \$83,289,000, table. Exports seven times imports.....	2199	2	14	
Wages:				
Tariffs not made for wage earners. Wages less than tariff rates (second table).....	2200		14	
Second table, column 4—In copper and bronze, one-third of tariff rate. Less than one-half in aluminum products, in hardware, washing machines, enameled ware, clocks. Bath tubs, sinks, and lavatories, one-third.....	2200		14	
Each of 26 metal industries, tables.....	2201-2202		15-16	
Per cent to production, less than one-half of factory cost, 6 to 39 per cent, column 9 (first table).....	2200		14	
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26 metal industries:				
Aluminum: Minimum costs of production; tariff allowance, \$24,000,000; common stock worth \$100 in 1924 has returned \$33,350 per share; tariff added in full to prices.....	2194	2	8	2
Bar steel: Minimum cost of production; tariff, 24.6 per cent; wages, 22.2 per cent; tariff added in full; prices extortionate, 50 per cent above Europe's.....	2189	2	3	2
Bolts, nuts, washers, rivets, etc.: Production automatic, 18 tons per operative per week; tariff allowance, \$13,000,000; exports, \$2,457,787; imports, \$53,264.....	2191	1	5	1
Brass, bronze, and copper manufactures: Tariff, 38.4 per cent; wages, 19.9 per cent; we lead the world; enormous profits; tariff allowance, \$85,000,000.....	2196	1	9	2
Cash registers, adding and calculating machines: Tariff, 29.3 per cent; wages, 20.4 per cent; exports, \$29,000,000; imports, \$21,000; tariff allowance, \$24,000,000.....	2193	1	6	2
Clocks and watches: Tariff, 70 per cent; wages, 30.8 per cent; production semiautomatic; price fixing; domestic prices higher than export; alarm clocks, 132 per cent; effect of excessive duties; retail price four times foreign factory cost.....	2197	1	11	1
Cutlery: tariff, 112.5 per cent; pocket knives, 173.1 per cent; wages, 26.4 per cent; tariff encourages poor quality; retail prices four and one-half times foreign factory prices.....	2192	2	6	1, 2
Electrical machinery and supplies: A world trust, Congress assisting; amazing profits; tariff added in full; everyone taxed; electrical machinery exports, \$89,089,711; no imports; tariff, 31.2 per cent, or \$368,000,000.....	2198	2	12	2
Files: A bad trust, selling abroad at European prices and adding the tariff, 34.6 per cent, to domestic prices; big profits. "We can undersell the world".....	2191	2	5	2
Hardware: Tariff, 60.4 per cent; wages, 29.2 per cent; tariff allowance, \$78,000,000; huge profits; exports, \$7,820,477; imports, \$74,843; revenue to Government, \$45,193.....	2192	1	6	1
Locomotives: Tariff, 15 per cent; tariff allowance, \$14,000,000; exports, \$7,188,398; imports, none.....	2193	1	7	1
Machine tools: Tariff allowance 30 per cent, or \$37,000,000; wages, 32.8 per cent; foreign competition negligible; exports, \$25,379,417; imports, \$427,793; imports of types not made here.....	2193	2	7	1
Nails, wire: Lowest possible cost; tariff, 17.1 per cent; wages, 22.7 per cent; tariff allowance, \$7,000,000; domination of English market.....	2191	1	4	2
Pig iron: Tariff, 6.3 per cent; wage cost at furnace, 6.2 per cent; tariff allowance, \$10,000,000, added in full to prices; high freight charges on materials hurt some seaboard producers.....	2189	2	3	1
Pipe, cast iron: Indicted for maintaining "fixed and excessive prices"; tariff, 20 per cent, or \$16,000,000; wages, 20 per cent; marvelously prosperous under former tariff of 10 per cent.....	2190	2	4	1
Pipe, wrought iron: Tariff, 19.6 per cent, or \$65,000,000; wages, 16.4 per cent; exports, 1927, \$10,859,463; imports, \$4,084,441, or 0.6 of 1 per cent of domestic production.....	2190	2	4	2
Pumps: Tariff 30 per cent, or \$30,000,000; wages, 20.8 per cent; exports, \$8,548,584; no imports.....	2193	2	7	2
Screws, for wood: Tariff 25 per cent, \$2,000,000; exports, \$971,590; imports, \$5,973; export prices one-half of domestic prices.....	2192	1	5	2
Sewing machines: We produce 80 per cent of world consumption; cost, same in New Jersey as in England; average duty, 18.6 per cent, or \$7,000,000; Singer Sewing Machine Co. showed marvelous profits; on the free list in 1920; exports, \$15,581,843; stock dividends, \$30,000,000; in 1927, with tariff 18.6 per cent, exports \$10,679,494, and profits \$25,569,480; imports were only \$532,729, and of types not made here. Market value, Singer common stock, 1922, \$112,612,500; in 1928, \$62,500,000; tariff allowance, \$17,000,000.....	2194	1	7	2
Stamped and enameled ware, n. e. s.:				
Stamped ware—				
Tariff 40 per cent, or \$29,000,000, to be doubled in retail prices so far as added by manufacturers. Wages only 24.8 per cent Domestic production, 1927, \$101,083,808; imports only \$27,594, or 0.03 of 1 per cent. In 1914, with tariff only 20 per cent, imports were too little to be recorded by the Government.....	2198	1	11	2
Enameled household ware—				
Tariff 49.7 per cent, or \$7,000,000, to be doubled in retail prices. Wages only 24.8 per cent.....	2198	1	11	2
Steam, gas, water, and other engines, other than locomotives:				
Tariff 20.3 per cent, or \$62,000,000; wages only 23 per cent.....	2193	1	6	2
Exports \$19,595,558. Imports \$280,321, or 0.8 of 1 per cent; revenue to Government \$56,991.....	2193	1	6	2
Steel rails. A world trust. "We can sell in England, at the Englishman's cost." Our railroads dare not import.....	2190	1	3	2
Imports \$28,363, small sizes only for logging camps, etc. Exports, 1927, \$6,783,036. Revenue to Government, \$28,363. Tariff allowance, \$9,000,000 (first table).....	2200		14	2
Structural iron and steel:				
Not fabricated; tariff 14.2 per cent; wages, 21.6 per cent; entire tariff added to prices; costs as low as anywhere.....	2190	1	4	1
Fabricated, for buildings, bridges, etc. Tariff, 20 per cent; wages, 19.2 per cent; exports thirty-six times greater than imports; tariff allowance, \$73,000,000; revenue to Government, \$13,829.....	2190	2	4	1
Tables: Complete analysis, 26 industries, production, exports, imports, wages, tariff rates, tariff allowance to manufacturers, etc.....	2200-2201		15, 16	1
Quotations:				
Andrew J. Mellon, "In many lines we more than meet foreign competition".....	2193	1	6	2
Senator Underwood of Alabama: "I am in the business myself. I represent a great iron and steel district * * *. I know this iron and steel schedule is a fraud and a shame * * *. For every dollar the farmers may derive from the bill they will pay \$100.".....	2189	2	3	1

#### REORGANIZATION OF FEDERAL POWER COMMISSION

The PRESIDING OFFICER (Mr. FESS in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 3619) to reorganize the Federal Power Commission, which was, to strike out all after the enacting clause and insert a substitute.

Mr. COUZENS. I move that the Senate disagree to the amendment of the House, request a conference with the House

on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. COUZENS, Mr. WATSON, and Mr. PITTMAN conferees on the part of the Senate.

#### CONSTRUCTION OF DAMS IN LINCOLN COUNTY, OREG.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3898)

granting the consent of Congress to the Mill Four Drainage District, in Lincoln County, Oreg., to construct, maintain, and operate dams and dikes to prevent the flow of waters of Yaquina Bay and River into Nutes Slough, Boones Slough, and sloughs connected therewith, which was, on page 1, line 9, after the word "therewith," to insert "in the State of Oregon."

Mr. McNARY. I move that the Senate concur in the House amendment.

The motion was agreed to.

#### MIGRATORY BIRD REFUGE, BARTON COUNTY, KANS.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 3950) authorizing the establishment of a migratory bird refuge in the Cheyenne bottoms, Barton County, Kans., which were, on page 2, line 7, to strike out "\$300,000" and insert "\$250,000," and on page 2, after line 9, to insert:

SEC. 4. That the Secretary of Agriculture may do all things and make all expenditures necessary to secure the safe title in the United States to the areas which may be acquired under this act, including purchase of options when deemed necessary by the Secretary of Agriculture, and expenses incident to the location, examination, and survey of such areas and the acquisition of title thereto, but no payment shall be made for any such areas until the title thereto shall be satisfactory to the Attorney General. That the acquisition of such areas by the United States shall in no case be defeated because of rights of way, easements, and reservations which from their nature will in the opinion of the Secretary of Agriculture in no manner interfere with the use of the areas so encumbered for the purpose of this act.

SEC. 5. Sections 7, 8, 9, 10, 13, 14, and 15 of the migratory bird conservation act, approved February 18, 1929, are hereby made applicable for the purposes of this act in the same manner and to the same extent as though they were enacted as a part of this act.

Mr. ALLEN. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

#### EXECUTIVE MESSAGE

A message in writing was communicated to the Senate from the President of the United States by Mr. Latta, one of his secretaries.

#### REVISION OF THE TARIFF—CONFERENCE REPORT

Mr. SMOOT. Mr. President, I ask that the conference report on the tariff bill be laid before the Senate for consideration.

The VICE PRESIDENT. The Chair lays before the Senate the conference report.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes.

Mr. WATSON. Mr. President, I do not intend to make a speech to-day, hoping to do that later on if the debate be prolonged. I want to present for the information of my fellow Senators an analysis of the pending tariff bill from the agricultural and nonagricultural standpoints. I do this for two reasons; first, to show that this is not a general revision of the tariff; and, secondly, that it very nearly approximates the desire expressed by the President to have a revision of the agricultural rates and for the benefit only of those industrial institutions in America which have been suffering because of foreign competition.

#### INCREASES IN RATES OF DUTY IN PENDING BILL COMPARED WITH ACT OF 1922

Tabulations compiled by the Tariff Commission indicate that the calculated revenues which would have been collected on comparable commodities had the rates of duty in the pending bill been in effect during 1928 would have amounted to \$630,446,280 compared to \$522,676,984 for the same items under the act of 1922, an increase of \$107,769,296, or 20.63 per cent over the revenue actually collected under the act of 1922. This assumes the same volume of imports of the several commodities and the same values; in other words, the calculation is based upon the import data for the calendar year 1928. This would seem to measure the general increase in computed ad valorem rates of duty for the comparable items in the present law and in the pending bill.

#### PERCENTAGE OF ITEMS INCREASED AND DECREASED

If the pending bill had been a general increase spread widely over most items, the revision could properly be called a general revision. But what are the facts? The pending tariff bill contains 3,218 dutiable items. In addition, 75 items dutiable under the act of 1922 have been put on the free list in the pending bill, making a total of 3,293 items that are either dutiable in

the pending bill or were dutiable in the act of 1922. Of these items the rates on 2,171, or 66 per cent, are unchanged, and the rates of 1,122 items, or 34 per cent, were changed. Of the 1,122 that were changed, 887, or 27 per cent of the total items, represent increases in rates of duty, and 235, or 7 per cent, represent decreases in rates of duty. Included in the 887 increases are 47 items previously free, but made dutiable under the pending bill, and included in the 235 decreases are 75 items previously dutiable, but which are put on the free list in the pending bill.

It would appear, therefore, that at most 34 per cent of all items which appear as dutiable under either the act of 1922 or the pending bill represent increases or decreases. The remainder of the items, or 66 per cent, were not changed. The pending bill, therefore, is a limited, not a general revision of the tariff.

#### DECREASES PERTAIN TO NONAGRICULTURAL, NOT TO AGRICULTURAL COMMODITIES

As already noted, 235 items, or 7 per cent of the total number, represent decreases in rates of duty. Do these decreases affect agriculture injuriously? An examination of all decreases, including the 75 items transferred to the free list, indicates that most of them were made at the request of agriculture. None of them represent decreases in agricultural products and most of them represent a possible advantage to agriculture through a possible improvement from the farmer's standpoint in the price of products which he must buy. This is particularly true in cases such as grindstones, for example, and raw materials used in the manufacture of fertilizers, which are chiefly used on the farms. It is true in a general way of large groups of imports transferred to the free list, such as unground spices, and other reductions such as those made in the aluminum paragraphs. It is of relatively little importance in the case of some other items such as uncut precious stones. At least it must be said that the 235 reductions in rates were not in any case to the disadvantage of agriculture and in many cases were intended to be a direct benefit to agriculture.

#### INCREASES IN RATES, INCLUDING TRANSFERS FROM THE FREE LIST TO THE DUTIABLE LIST, CHIEFLY ON AGRICULTURAL PRODUCTS AND PRODUCTS DERIVED THEREFROM

As already noted, there were 887 increases in rates of duty, representing 27 per cent of all dutiable items in the tariff act of 1922 and in the pending bill. Two hundred and fifty of the increases are in Schedule 7, agricultural products and provisions. The others are scattered through all the schedules. But agricultural raw materials and manufactured products made from agricultural raw materials are likewise scattered through nearly all the schedules. Therefore, while it may be said that increases in rates of duty are found in all parts of the pending bill, this itself would not justify a statement that the revision is a general revision, since, in fact, practically all increases might relate to agricultural raw materials or manufactured products based upon agricultural raw materials, and still be distributed throughout the bill.

Mr. BLAINE. Mr. President—

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Wisconsin?

Mr. WATSON. I yield.

Mr. BLAINE. I want to call the attention of the Senator to a grievous error with reference to the dairy products schedule in the analysis the Tariff Commission is making.

Mr. WATSON. I myself am making this analysis.

Mr. BLAINE. I understood that the Tariff Commission had made the analysis for the Senator.

Mr. WATSON. I went to the commission—

Mr. BLAINE. I was not questioning the Senator's action at all.

Mr. WATSON. That is all right; in effect the Tariff Commission has made it.

Mr. BLAINE. As I was saying, there is a grievous error in relation to dairy products in that the compensatory rates on certain dairy products are far below the rates which are necessary under the formula which was prescribed by the Tariff Commission and which was applied to the compensatory rates on wool, rayon, silk, cotton, shoes and leathers, and items under the metal schedule.

Mr. WATSON. Does the Senator mean the first step or the second and subsequent steps in computing the compensatory rates?

Mr. BLAINE. In the case of the only step that can be taken in the compensatory rates on dairy products the conferees have reduced those rates to such an extent as practically to destroy the entire dairy schedule so far as affording adequate protection is concerned. I intend to discuss that later, but I merely wanted to call the attention of the Senator to it.



Mr. WATSON. I think I would sharply differ with my friend from Wisconsin as to the result of the decreases. It may be that some of the rates were made too low; but still that does not affect the analysis I am making of the situation as between agricultural and nonagricultural products, as I shall proceed to show, if the Senator will wait.

Mr. BLAINE. Mr. President, will the Senator permit another interruption?

Mr. WATSON. Certainly.

Mr. BLAINE. I was not discussing the question of the effect of the rates; I was merely calling the attention of Senators to the fact that the compensatory duties on certain manufactured dairy products are far below rates which are necessary to afford adequate protection.

Mr. WATSON. That may be; there may be some of them that are too low. I remember we discussed those rates in the conference committee at some length, but it is very difficult, of course, to take scales and exactly weigh and measure the compensatory rates so as to make them sufficiently high without making them too high.

Mr. President, as already noted, 47 items previously free were transferred to the dutiable list. A large part of the items transferred from the free list to the dutiable list consists of agricultural products, including hides and skins, long-staple cotton, chick peas, oil cake, and oil-cake meal, and so forth. About 80 per cent of the value of products transferred from the free to the dutiable list is of agricultural origin. Most, if not all, of the other items transferred from the free to the dutiable list, such as manganese ore, were transferred at the request of representatives from the agricultural districts. It can not, therefore, be said that these increases were made against the interests of agriculture. The remaining items on which the rates of duty were increased represent about 25 per cent of all items in the pending bill.

The increase in calculated duties under the pending bill compared with the act of 1922, based on 1928 imports, has been given as \$107,769,296. Of this total, \$55,448,390, or 51.45 per cent, represent increases in duties on agricultural raw materials, while \$16,732,924, or 15.52 per cent, represent increases in the compensatory part of the duties on industrial products that are made from these raw materials. Thus, nearly 67 per cent of the increase is definitely allocated to agricultural products and manufactured products made directly from agricultural raw materials.

Mr. HOWELL. Mr. President—

The PRESIDING OFFICER (Mr. Fess in the chair). Does the Senator from Indiana yield to the Senator from Nebraska?

Mr. WATSON. I do.

Mr. HOWELL. Does the Senator insist that a duty of 10 per cent on hides is of any benefit to the farmer?

Mr. WATSON. That has not anything to do with the analysis I am proceeding to make.

Mr. HOWELL. Yes; the Senator is referring to the compensatory duties which have been levied in connection with commodities made from agricultural products, and he has stated, or it is to be inferred, that these increases were necessary.

Mr. WATSON. Oh, no.

Mr. HOWELL. There has been provided a 10 per cent duty on hides.

Mr. WATSON. The Senator knows that I voted for every tariff rate on hides that was proposed and advocated in the Senate and did everything I could to secure the adoption of an adequate rate; but that has not anything to do with the analysis I am making showing agricultural and nonagricultural products as being actually taken care of—whether sufficiently or not is not now the issue.

Mr. HOWELL. The Senator spoke of necessary compensatory duties on industrial products.

Mr. WATSON. Not necessary compensatory duties, but compensatory duties.

Mr. HOWELL. The Senator referred to the compensatory duties upon industrial products because of the increased duties on agricultural products.

Mr. WATSON. I did not say they were sufficient.

Mr. HOWELL. Very well. Does the Senator approve of a 20 per cent compensatory duty on boots and shoes produced in this country?

Mr. WATSON. I will answer that question when I get to it. The Senator is leading me away off from the very object and purpose of this analysis. I am making this analysis to show what has been done in the case of agricultural products and nonagricultural products. I am not here to say that the rates are high enough or are too high; I am simply stating what has been done. As to whether the rates are high enough or too high we may argue later on.

Mr. HOWELL. But I want to make it clear that a 20 per cent duty on shoes is not justified by a 10 per cent duty on hides.

Mr. WATSON. That is a matter which we can argue later on, I will say to my friend from Nebraska.

Mr. President, the figures quoted by me preceding the interruption of the Senator from Nebraska do not represent all of the increases for products derived from agricultural raw materials; that is, while the figures given would include increases, if any, in the case of wheat and flour, they would not include increases, if any, in pastry and other bakery products. While they would include increases in the case of flaxseed and linseed oil, they would not include increases, if any, in duties on linoleum, oilcloth, oil paper, paints, varnishes, and other products largely composed of agricultural raw materials but for which compensatory increases were not calculated. While they would include increases, if any, on fresh eggs, they would not include increases, if any, on frozen eggs, dried eggs, and so forth. In the same way they would not include increases on such products as casein, starches, blood albumen, canned tomatoes, tomato paste, and a multitude of other items using agricultural raw materials, but for which compensatory duties could not be satisfactorily calculated. In this calculation only compensatory duties for the first product made from the agricultural raw material have been considered; no attempt has been made to calculate compensatories for products removed more than one step from the raw materials.

All students of the subject, however, will agree, first, that if the duty on the raw material is to be effective there must be a compensatory element carried forward both to the semimanufactured and to the fully manufactured commodities, except in special cases where the raw material because of perishability, high seasonal cost, high transportation cost, or other special reason, can not economically be imported to be used as a raw material for further advancement; and, second, that a duty on a semimanufactured or manufactured commodity may be the best form of protection to the raw material in that such a duty may build up a profitable domestic market for the materials in question.

REGROUPING AGRICULTURAL PRODUCTS AND COMMODITIES DERIVED THEREFROM INTO ONE GROUP AND NONAGRICULTURAL PRODUCTS AND COMMODITIES DERIVED THEREFROM INTO A SECOND GROUP

Since tariff acts, including the pending bill, have not attempted in more than a broad, general way to group dutiable imports into schedules which are either inclusive of all commodities of a given general classification, such as agriculture, or exclusive of all commodities of all other given classifications, such as chemicals, it may be useful to arrange all dutiable commodities for purposes of general comparison into two groups: (1) Products of agricultural origin; and (2) products of nonagricultural origin. Various bureaus and departments of the Government have followed this policy in great detail for many years in tabulations and publications issued regularly. Thus, publications of the Department of Commerce show imports for consumption each year under nine general groups, the first five of which include animals and animal products, vegetable food products and beverages, and other vegetable products, inedible, including tobacco, textiles, and so forth, but not including wood products. On the other hand, the last six groups include wood and products; nonmetallic minerals, metals and manufactures, chemical and related products, and miscellaneous.

With two minor exceptions these classifications are practically a division into agricultural and nonagricultural groups. The two exceptions are that fish and fish products and furs and fur products are included under the groups—animal products, edible, and animal products, inedible—although they are the products of fishing and hunting rather than the products of agriculture. If we exclude these two from the agricultural group and include them with the nonagricultural group, the total increase in duties under the pending bill amounts to only \$6,736,551 for the different items designated as the nonagricultural group. This is, in fact, only 6.25 per cent of the total increase in computed duties under the pending bill compared with the act of 1922, both based upon imports for consumption for 1928. The remaining 93.75 per cent represents increases in computed duties based upon agricultural raw materials—amounting to 51.45 per cent—the compensatory part of increases on industrial products using agricultural raw materials—amounting to 15.52 per cent—and the increases on other manufactured products made from agricultural raw materials—not including the compensatory part of the increase—amounting to 26.78 per cent.

The increase in the entire group designated as "not of agricultural origin" is from 31.77 per cent equivalent ad valorem under the tariff act of 1922 to 31.97 per cent under the pending bill, or an increase of 0.20 of 1 per cent.



These figures show that the decreases in the rates of duty on products of nonagricultural origin were almost equal to the increases. Thus, increases in softwood lumber are offset by decreases in logs; increases in manganese ore are offset by decreases in aluminum; increases in certain chemicals are offset by decreases in other chemicals, and so forth. It is, therefore, evident that disadvantages, if any, to agriculture due to increases in rates of duty in the nonagricultural groups are offset by advantages to agriculture due to decreases in rates of duty in commodities in the nonagricultural groups. On the other hand, as already indicated, practically every increase which it was thought would be of service to agriculture has been made both on the agricultural raw materials, the semimanufactured products derived therefrom, and the fully manufactured products made from agricultural raw materials. The smallest increase for the subgroups based upon agricultural products is that for tobacco and manufactures therefrom. This increase is from 63.09 per cent to 64.78 per cent. The second smallest increase is in the textile group, including the five textile schedules. For these five textile schedules combined the increase is from 40.67 per cent to 44.35 per cent. This is after including the increase in long-staple cotton, which is provided for in the agricultural schedule in the pending bill. The increase on sugar and related products is from 67.85 per cent to 77.22 per cent. By far the largest increases are found in the groups which include animals and animal products, vegetable products, and beverages, excluding tobacco, textiles, and sugar.

This analysis shows that it is agriculture that has obtained the major part of the increases in the pending bill; and it is difficult to see how Senators from agricultural States can do otherwise than support the bill as reported by the conferees under this analysis, which nobody pretends to dispute. Practically every increase in rates on agricultural items requested by any farm organization has been granted. Many items affecting agriculture in other schedules were reduced or placed on the free list. Very few adjustments were made in nonagricultural items, and all such changes were only 6.25 per cent, compared to 93.75 per cent of items in the agricultural groups.

With the statement that I have made, Senators not directly interested in agriculture may well ask: "How can we be asked to support such a measure which admittedly does not take into consideration the needs of forestry, mining, fishing, manufacturing, except in very minor degree and then often to our disadvantage? There are not great fundamental, outstanding improvements in the flexible features or in the administrative sections, although there are admittedly many minor improvements. Does it not in fact mean higher costs of living because of the large increases in rates of duty on agricultural products, and does it not mean higher costs of raw materials of agricultural origin? Why, then, should we support the bill?"

The answer is very clear to me, whether the Senators from certain northwestern agricultural States support the bill or not. If they fail to support it, in my judgment, it is clearly for political reasons, and not for agricultural welfare. Pardon me for making the statement.

First, the Republican Party was pledged to make these readjustments. The whole campaign was conducted on this program. The special session of Congress was called to enact it. By voting for the bill we keep our promise and carry out our pledge.

Mr. FRAZIER. Mr. President, will the Senator yield?

Mr. WATSON. Not until I finish this statement.

Second, we are sincerely anxious to aid in the fullest measure to bring agriculture to a more prosperous condition. This can and will be done through the passage of the pending bill, thus giving the American farmer the domestic market to the fullest extent possible.

Third, if no other motive dictated our action, the motive sometimes referred to as enlightened selfishness should be enough. Thirty million prosperous people on six million American farms would be the biggest and best market which could be created for the products of our factories, fisheries, forests, and mines. Even \$100 of new buying power per capita on the farms of the country would increase American business \$3,000,000,000 annually.

I have made this analysis for the express purpose of showing the difference between increases on agricultural and nonagricultural products. It is my deliberate judgment, as something of a student of the tariff, first, that we have not made a general and sweeping revision, because these facts irrefutably deny that statement; and, secondly, that what we have made has been largely in the interest of agricultural and not in the interest of nonagricultural products.

I shall content myself with these remarks and speak generally on the subject to-morrow.

Mr. McCULLOCH. Mr. President, I became a Member of the Senate on November 12, 1929. The Congress had been considering the pending tariff bill in extraordinary session since April 15, 1929. It had been under discussion for seven months.

At the time I became a Member of this body many of the schedules had been voted on in Committee of the Whole. I therefore did not have the opportunity of listening to the discussions on which the major portion of the rates in the bill were fixed in the Committee of the Whole.

At the time I came to the Senate the coalition had charge of the bill, and the rates were being written by the votes of Members on the other side of the Chamber—the Democratic side—in combination with certain Senators on this side of the Chamber—the Republican side.

The majority, therefore, while theoretically responsible for the legislation, was not writing the legislation. Upon all of the votes on the various items in the bill considered after I became a Member, the margin for or against an item always was very close.

I believe in the policy of protection under the following rule: That rates of duty upon imported articles shall be fixed so as to equalize the differences in conditions of competition at home and abroad. I am opposed to prohibitive rates.

The system followed in the Senate in fixing tariff rates of duty is, in my judgment, far from satisfactory; and it must be admitted by all that under the present system rates of duty are often fixed as a result of considerations aside and apart from the fact developed either in the hearings or the debates, and are not based upon evidence relating to the differences in American and foreign conditions of competition.

There is a wide difference of opinion as to whether the rates in the pending bill are too high or too low. Senators on both sides of the Chamber have been uncertain in this regard.

Apparently, in an open forum, with so many political differences and various elements working at cross purposes, it is utterly impossible to fix tariff rates based on the facts as to the differences in the cost of production at home and abroad.

This bill has been under consideration for a year and two months. During that entire period business has been uncertain as to what it could expect. Production has slowed up. The purchase of supplies has been curtailed. There has been extensive unemployment. Times have been bad. Without a doubt a great deal of this has been caused by the failure of Congress to act.

But now, in my opinion, the time has come for action if we are to get back to normal.

If this bill should be defeated, the uncertainty would continue. Business still would hesitate, because there would be agitation for a new bill; and there is no telling how long it would take to settle the question.

The outstanding feature of this bill, in my judgment, is the authority granted to the Tariff Commission and the President to readjust rates on a scientific basis. If these provisions were not in the bill, I am frank to say that I would vote against it.

By passing the bill promptly a twofold purpose is accomplished.

First, we put business on a basis where, knowing what to expect, it can proceed normally in production and distribution; and

Second, we provide the machinery for a scientific readjustment of any inequalities in the tariff rates contained in the bill, thereby giving a square deal both to the producer and the consumer.

Because of the flexible provisions of the bill, I will vote for it.

The President, in his message to Congress after the convening of the extraordinary session, stressed the importance of protecting by proper rates of duty the products of agriculture.

The President also indicated the necessity of readjusting certain industrial rates for the purpose of equalizing conditions of competition which had changed or developed during the period following the enactment of the present law.

Whether or not Congress in the pending bill has gone beyond the recommendations of the President has been a subject of considerable controversy on this floor.

No tariff bill was ever enacted that was satisfactory to everybody. Those familiar with the history of tariff legislation know that there are inequalities in all tariff bills. Tariff legislation, under our present system, is in no small degree the result of compromise. It has been charged that some of the rates in the pending bill were fixed by vote-trading. This condition, if it existed, is no different than the condition that has existed during the enactment of all tariff bills and is the result of the system and the present method of fixing tariff rates of



duty. If vote-trading was indulged in, Members on both sides of the Chamber were equally guilty.

I believe, and have believed for many years, that there is a way to correct this evil. In 1916, while a Member of the House of Representatives, I submitted a plan for changing the system. The plan I suggested was comparable to the flexible provisions of the present law. The flexible provisions of the pending bill, as I shall endeavor to show during this discussion, should help to correct some of the evils of the present system.

Because there may be inequalities in the pending bill, and because there may be rates which are higher or lower than required to equalize conditions of competition is not per se a sufficient reason for my voting against the bill, especially in view of the fact that the machinery is set up for correcting such inequalities.

Very extensive propaganda is reaching the public in opposition to the pending bill. I have analyzed carefully such of this propaganda as has been brought to my attention. If the conclusions reached and expressed in this propaganda are sound, the bill should be defeated, and if I thought they were based on the true facts I would vote against the bill. But I feel it is my duty as a Senator representing in part a great industrial State, with hundreds of industries employing thousands of workers, to give careful consideration to the facts, conditions, and probable results of the enactment or defeat of this bill before I accept conclusions which may or may not be sound, although on their face they have some appeal.

One of the arguments advanced in opposition to the bill is that under present economic conditions the protective-tariff policy is not a sound policy. It has been claimed that mass production, changed economic conditions, and the necessity for extending our markets make protective-tariff rates undesirable and economically unsound. I do not believe that is so. I believe the protective-tariff principle, properly applied, is as important to-day as it ever was. To sacrifice the protective-tariff principle would, in my opinion, bring industrial distress and unemployment to-day just as surely as the sacrifice of that principle brought distress and unemployment in the past.

Everybody knows that wages in this country are higher than they are in foreign countries. Everybody knows that our standard of living in this country is higher than that in foreign countries. Everybody knows that manufacturers can not pay high wages, which insure a higher standard of living for workers, and compete in an open market with manufacturers who pay lower wages to workers whose living conditions are not up to our standard.

Now, if this is so, and it is so, unless we are going to sacrifice our market to foreign countries and throw our own people out of employment, we must fix tariff rates of duty that will equalize fairly the differences in conditions of competition at home and abroad.

#### THE TRUTH ABOUT THE PENDING BILL

What are the true facts in regard to the rates in the pending bill? In order to get a picture of what the pending bill provides in the way of increases or decreases the bill must be considered as a whole.

It is admitted by everybody that there may be individual items that are too high and individual items that are too low, but any such inequalities can be adjusted promptly through the flexible provisions.

It has been charged that this is a billion dollar tariff bill. The inference sought to be left by that statement is that a billion-dollar burden is being placed by this bill upon the American people.

What are the facts?

Mr. President, I ask that there be printed at the close of my remarks the summary prepared by the chairman of the Finance Committee in regard to the pending bill as a whole, which is contained in the speech of the Senator from Utah, delivered on May 27, 1930, at page 9639 of the CONGRESSIONAL RECORD.

The PRESIDING OFFICER (Mr. Fess in the chair). Is there objection? The Chair hears none, and it is so ordered.

(See Exhibit A.)

Mr. McCULLOCH. Mr. President, this summary shows an average increase over the present law on all items of 6.86 per cent. The summary shows that the duties on agricultural products were increased 10.82 per cent over the present law. The increase on industrials other than agricultural products over the present law was 2.37 per cent, making an average increase on all products, agricultural and industrial, over the present law of 6.86 per cent.

The advantage was given to agriculture exactly as the President desired it should be. No rate changes were made in 68 per cent of the total items in the present law. Increases were made

in 888 items and decreases in 235 items. Seventy-five items were transferred from the dutiable list to the free list and 48 items were transferred from the free list to the dutiable list.

Based on the imports during 1928, the computed ad valorem equivalent of the duties under the present law was 33.22 per cent. Under the pending bill the equivalent ad valorem is 40.08, showing a general increase for all items, agricultural and industrial, of 6.86 per cent, divided as follows:

An increase of 2.37 per cent on industrials; and

An increase of 10.82 per cent on agricultural products.

We have noted the percentages of increases both in the items relating to agriculture and those relating to industrials. What is the difference in the dollar value of duties collected under the act of 1922 and the amount that will be collected under the rates of the pending bill on the basis of the 1928 importations?

The actual duties collected under the tariff act of 1922 on comparable items amounted to \$522,649,383; under the pending bill on the basis of 1928 importations the total duties collected would amount to approximately \$630,456,280, a total increase of \$107,806,897.

This increase is divided 68 per cent on agricultural products and 32 per cent on industrials, or an increase of \$72,181,314 on agricultural products, and an increase of \$36,402,057 on industrials.

Statements made, based on misunderstanding, misinformation, and at times predicated entirely on political bias are to the effect, as I have stated, that the pending bill will add \$1,000,000,000 to the cost of living in the United States. If the increase in the duties were fully reflected in domestic prices—and under no law have the increased duties ever been fully reflected in domestic prices—the pending bill will add approximately one-tenth of the alleged amount to the American cost of living. However, these increased duties are intended and undoubtedly will add to domestic employment and to mill pay rolls and to returns from agriculture. These gains, without question, will far more than offset any slight advance in domestic prices which may result from the increased duties.

Some idea can be gathered from a comparison of the average ad valorem rates or their equivalents under various tariff laws, including the pending bill.

The McKinley law of 1890:	
Equivalent ad valorem.....	48.39
Total free and dutiable.....	23.01
The Wilson law of 1894-1897:	
Equivalent ad valorem.....	41.29
Total free and dutiable.....	20.87
The Dingley law of 1897-1899:	
Equivalent ad valorem.....	46.49
Total free and dutiable.....	25.47
The Payne-Aldrich law of 1909-1913:	
Equivalent ad valorem.....	40.73
Total free and dutiable.....	19.32
The Underwood law of 1913-21:	
Equivalent ad valorem.....	26.97
Total free and dutiable.....	9.10
The Fordney-McCumber law of 1922-30:	
Equivalent ad valorem.....	38.22
Total free and dutiable.....	13.83
The present bill, based on 1928 importations:	
Equivalent ad valorem.....	41.64
Total free and dutiable.....	16.04

Ad valorem rates under the Underwood law were lower because of inflated prices during the war, and rates of the 1922 act were only slightly below what the pending bill would put into effect on the basis of 1928 importations.

These are the true facts upon which this bill should be judged with a view to determining whether or not it is a "robber tariff," or a fair and proper equalization of differences in costs and conditions of competition at home and abroad, made for the purpose of protecting our American market for the products of American industry employing American labor.

#### FOREIGN TRADE

One of the arguments advanced against the pending tariff bill is that it will destroy our foreign trade.

A careful consideration of our export business covering a period from 1922 to 1929 should shed some light on the value of the foreign market to the American producer.

The following figures compiled by the Department of Commerce show the total exports and imports from 1922 to 1929:

	Imports
1922.....	\$3, 113, 000, 000
1923.....	3, 792, 000, 000
1924.....	3, 610, 000, 000
1925.....	4, 227, 000, 000
1926.....	4, 431, 000, 000
1927.....	4, 185, 000, 000
1928.....	4, 091, 000, 000
1929.....	4, 400, 000, 000



	Exports
1922	\$3,832,000,000
1923	4,167,000,000
1924	4,591,000,000
1925	4,910,000,000
1926	4,809,000,000
1927	4,865,000,000
1928	5,128,000,000
1929	5,241,000,000

According to the foregoing figures, in 1929, which was the peak year for exports, we exported \$5,241,000,000 in value of American-made goods. During the same period we imported \$4,400,000,000 in value of foreign-made goods into the American market.

The Department of Commerce reports annually the volume of our exports and imports. Our exports consist of farm products, manufactures, metals, and so forth. In 1929, as I have shown, our exports of domestic merchandise of all types were valued at \$5,241,000,000. This large amount of goods is relatively minor when compared to the value of goods of all types consumed in the United States. No accurate statistics are available as to the value of all commodities consumed in the United States, excluding imports. However, an approximate idea of the importance of our tremendous home market may be obtained when we learn that in 1927 the United States census reported the wholesale value of all manufactures as \$62,718,000,000; to this figure must be added the farm value of our agricultural products, which in 1927 had a gross value of \$17,153,000,000. We thus find that the total value of all of our manufactures and farm products on a wholesale basis is approximately \$80,000,000,000, and this does not include the products of our fisheries and mines.

From these figures it will be seen that by the enactment of protective tariff legislation we are seeking to preserve for the American manufacturer and farmer, employing American labor, the major portion of our home market, which consumes approximately \$80,000,000,000 worth of goods annually. In addition to this stupendous value, we must remember that there are employed millions of people in the distributing and retailing of our products. If we could calculate the value of our domestic commodities at retail prices the amount would be much greater than that stated above.

If by reducing rates of duty to a point below the difference between the costs of production at home and abroad we enable foreign producers to take over the American market, we are sacrificing a market that consumes \$80,000,000,000, and the best we have been able to do is export approximately \$5,000,000,000 worth of goods. In other words, it is argued that the domestic market should be sacrificed for the export market, although the export market accounts for only 6 per cent of the total domestic production.

It should follow that any considerable portion of the American market which is displaced by foreign-made goods will result in a loss to American producers and a loss to American labor, and if rates of duty are not fixed so as to equalize differences in conditions of competition, the American producer will be either compelled to reduce wages in order to compete in our own market with the foreign producer, or he will be compelled to close down his factory and give the market over to the foreign producer.

Those who are opposing the pending bill have stressed the importance of our foreign trade, and they minimize the importance of the American market. These are, of course, the arguments of the international bankers and internationalists. The international bankers are financing the building of factories in foreign countries, and internationalists are building factories in foreign countries and are employing foreign labor.

The Department of Commerce, in a bulletin issued March, 1930, sets forth facts and figures which destroy the force of the arguments of the internationalists. This bulletin shows that practically one-fifth of our exports is unmanufactured cotton. This bulletin shows also that the falling off in exports in 1929, which has been stressed by the internationalists, was due largely to a reduction in the price of unmanufactured cotton.

The following statement in regard to our exports shows that the expansion in foreign sales of finished manufactures showed a gain of one-third in value during the first quarter of 1929 over the first quarter of 1928, there being a gain all down the line, but that there was a sharp decrease in exports of crude material. "The decline was largely attributable to smaller shipments and lower prices of cotton."

The following is quoted from the report:

#### EXPORTS BY CLASSES AND COMMODITIES

The expansion in foreign sales of finished manufactures was especially marked during the first quarter of 1929, showing a gain of one-third in value over the first quarter of 1928. For the entire year this group totaled \$2,532,000,000, a gain of 12 per cent over 1928 and of 96 per cent over 1922, only seven years before. Increases, as compared with 1928, were widely distributed among individual commodities, and new records were established for many. The value of exports of machinery

amounted to \$613,000,000, a gain of 23 per cent over 1928 and about 90 per cent more than the average for the period 1921-1925. Exports of automobiles (including parts and accessories) exceeded \$539,000,000, notwithstanding the fact that foreign sales during the fourth quarter fell considerably below those of a year earlier; their value for the year was 8 per cent larger than in 1928 and more than three times greater than the average yearly sales for the period 1921-1925. As compared with 1928, the value of exports of photographic and projection goods increased by 47 per cent, and there were increases ranging from 5 per cent to 14 per cent in the export values of chemicals, paints, and varnishes, and finished manufactures of iron and steel, rubber, and wood.

Exports of semimanufactures, amounting to \$729,000,000, increased slightly during the year. Foreign sales of copper (all forms) increased by 8 per cent in value, owing entirely to a higher average unit price; the quantity of copper exports declined by 11 per cent. Exports of leather and of gas and fuel oil were substantially smaller than in 1928, while the value of heavy iron and steel and naval stores were considerably greater.

Crude material exports amounted to \$1,142,400,000, a decrease of 12 per cent, as compared with 1928. The decline was largely attributable to smaller shipments and lower prices of cotton. Raw cotton exports amounted to 3,982,000,000 pounds, a decrease of 13 per cent as compared with 1928; owing to a decline in the average unit price of cotton from 20.1 cents in 1928 to 19.4 cents in 1929, the total value, amounting to \$770,800,000, showed an even larger decrease—16 per cent. Exports of leaf tobacco and undressed furs were smaller than in 1928, while those of coal and crude petroleum showed increases.

Exports of foodstuffs were somewhat smaller than in 1928; crude foodstuffs amounted to \$269,600,000, a decrease of 8½ per cent, while manufactured foods totaled \$484,300,000, an increase of 4 per cent. The quantity of grain (wheat, rye, and barley) shipped to foreign markets during 1929 was 24 per cent less than in 1928. Nevertheless, in 1929 we sold abroad 87½ per cent more of these grains than during the average year from 1910 to 1914. Exports of corn were 29 per cent larger and those of apples, valued at \$33,000,000, were 24 per cent greater than in 1928. Exports of wheat flour were the largest in five years, and packing-house products showed an 8 per cent gain during 1929, as against declines in the two preceding years.

Thoughtful people should not be misled by the claim of the internationalists that whatever unemployment we are experiencing is due to a falling off of our export trade, resulting from threatened reprisals on account of the tariff. The whole argument is absurd and should fall in light of the true conditions, which are disclosed by the figures.

Opponents of the present tariff bill claim that if it is enacted we will shut out our import trade and lose most of our export trade. Let us assume that a bill should be enacted with rates so high that we would have no imports on which duties were collected; we still would be importing tremendous quantities of goods which come into our country free of duty. Our imports of crude rubber, crude silk, coffee, tea, cocoa beans, agricultural implements, and many other commodities are on the free list, both under the act of 1922 and the pending tariff bill. In 1929 the value of our imports free of duty amounted to \$2,880,128,000, or 66.28 per cent of all of our imports. Similarly, we still would export large quantities of goods such as cotton. Even if we placed embargoes on all imports and exports, our net loss in trade, according to the figures I have given, would be only \$841,000,000, and the export of cotton alone in 1928 was \$920,000,000. However, the pending bill certainly is not an embargo measure. Our free list still contains the items which represent the greater portion of our import trade.

Should we listen to the objections of those who want our market? Why are they disturbed? Is it to be supposed that they fear American producers paying American wages as competitors in their market? Everybody knows that they can undersell us in their own market. What they want is our market. How foolish we would be if we gave up an \$80,000,000,000 market for the prospect of an infinitesimal increase in our foreign trade.

The producers of cotton in the South have always been free traders. But free trade is destructive and has always been proven to be destructive to the industrial North. It is equally as destructive to the present-day industrial South. The fact that North Carolina stands so high in its contribution to the Federal income tax indicates how far the South has progressed industrially in the last 30 years. Cotton was dethroned as king in the South nearly half a century ago. That fact, apparently, is not yet fully appreciated.

For my part, I do not intend to listen to internationalists and free traders in determining so vital a policy as the protection of the American market for American producers employing American labor. I want the industries of the country and of Ohio to be prosperous. I want the wages paid to Americans, who will spend their money with American merchants, and not to foreigners who will spend their money with foreign merchants.



## INTERNATIONALISTS BUILDING FACTORIES ABROAD

The international bankers are investing in foreign factories for the purpose of taking advantage of cheap foreign labor. Certain manufacturers are taking advantage of low wages in foreign countries by building factories abroad.

Mr. President, I ask that there be printed at the close of my remarks the report prepared by Mr. Woll, of the American Federation of Labor, giving a partial list of branch factories operated by American corporations in foreign countries, and his letter dated June 2, 1930.

The VICE PRESIDENT. Without objection, it is so ordered. (See Exhibit C.)

Mr. McCULLOCH. At this point I desire to call attention to the extent to which Henry Ford has taken advantage of cheap foreign labor. The report, which I have asked to be printed at the close of my remarks, indicates that the Ford Motor Co., of Detroit, Mich., has a factory in Spain; that the Ford Motor Co. has a factory in Italy; that the Ford Motor Co. has a factory in Germany; that the Ford Motor Co. has a factory in Denmark; that the Ford Motor Co. has a factory in Belgium; that the Ford Motor Co. has a factory in France; that the Ford Motor Co. has a factory in Egypt; that the Ford Motor Co. has a branch factory in South Africa; that the Ford Motor Co. has a branch factory in Japan; that the Ford Motor Co. has a branch factory in Chile; that the Ford Motor Co. has a branch factory in Australia; that the Ford Motor Co. has a branch factory in Mexico; that the Ford Motor Co. has a branch factory in Uruguay; that the Ford Motor Co. has a branch factory in Argentina; that the Ford Motor Co. has a branch factory in Brazil; that the Ford Motor Co. has a factory in Canada. It is reported that the Ford Motor Co. has stopped making tractors in America and is making them in factories in Ireland. It is reported that it is the announced intention of the Ford Motor Co. to manufacture all parts in Ireland and import them into the United States.

Tractors are used largely by farmers. It is estimated that 40 per cent of the labor cost of products in any market is consumed in food by those who produce the goods. American manufacturers, by taking advantage of cheap foreign labor, are putting this 40 per cent into the pockets of foreign farmers and taking it out of the pockets of the American farmers.

Here is the value of the shipments from the Irish Free State as reported by the Department of Commerce for the first four months of 1930:

January	-----	\$409, 426
February	-----	1, 005, 157
March	-----	1, 117, 522
April	-----	1, 366, 301

The farmers of this country have appealed to the Congress for tariff relief, and they would be the first to oppose any movement to deprive American workmen of their jobs by the transfer of our manufacturing plants to European countries, where labor is so much cheaper than in our country. The farmer knows that a well-paid laboring class in our country is his chief reliance for a profitable home market for farm products.

The General Motors Corporation has factories, according to the report I have asked to be printed as Exhibit C to my remarks, in the following foreign countries: Sweden, Spain, Italy, Germany, Denmark, New Zealand, Belgium, Egypt, South Africa, Japan, Java, Australia, Argentina, and Brazil.

It is estimated that more than 200 American manufacturers are now actively engaged in building factories in foreign countries to take advantage of cheap foreign labor.

Abraham Lincoln said that he favored protection because when we buy goods made abroad they have the money and we have the goods, but when we buy goods made in America we have both the goods and the money. That was a statement of wisdom made 70 years ago, and it applies with equal force to-day.

If we had a monopoly on the use of machinery in production, if we had a monopoly on efficiency methods which reduce costs, we might be able to offset our higher labor costs by the use of machinery and efficiency methods. But everybody knows that foreign producers are installing machinery and efficiency methods, and the tragedy of it all is that not only the foreign producers are installing machinery and efficiency methods but American capitalists are going to foreign countries with American money, installing American machinery and American methods, but employing foreign labor at low wages.

It developed during the discussions on this floor over the provisions of the pending bill that in 1913 the foreign investment of American capital amount to \$2,000,000,000, and that at the end of 1928 the foreign investment of American capital amounted to \$15,000,000,000. Therefore during the period from 1913 to 1928 the investment of American capital in foreign countries increased \$13,000,000,000.

The pay rolls in foreign factories are spent in foreign markets, where foreign-made goods are being purchased from foreign merchants.

So that Americans are helping to develop prosperity in foreign countries at the expense of our own people. Foreign labor is being preferred over American labor, which means that prosperity is being transferred from America to Europe. American capitalists would not be interested in building factories abroad, employing foreign labor, if they were unable to ship the goods made abroad back to America and sell them at a greater profit than they can manufacture them in this country, paying American wages.

It is, in my opinion, a short-sighted business policy, for the reason that in the end, if such a policy should become general, the American market, which is the greatest market in the world, would be destroyed.

I do not intend to permit myself to lose sight of the basic principles involved by any conclusion which is not based upon the true facts. There is too much at stake in this situation to be misled by conclusions which are unsound.

With the flexible provisions in the pending bill, with a Tariff Commission that will function, and with a President who will see to it that it does function, any inequalities in the rates can be adjusted promptly, adjusted so they will equalize the differences in conditions of competition at home and abroad, no more or no less. Anything short of that is bound to result in disaster to American producers, to American workers, and to American prosperity, because it will mean the sacrifice of the American market, which consumes approximately \$80,000,000,000 of goods a year, to the producers of foreign-made goods employing foreign labor.

## OURS A DIFFERENT CIVILIZATION

Ours is a different civilization than abroad. By equalizing the differences in labor costs and conditions of competition we are not only protecting our industries but we are protecting our civilization.

I hope, with everyone else, that European civilization will improve, that their standard of living will become higher, that they will some day pay better wages; but until they do our only hope is protection.

It does not take a historian to prove this point. Anyone with common sense knows it is so. The industrial history of this country is filled with proof of the accuracy of the statement. Free trade means hard times. Protection safeguards prosperity.

## MASS PRODUCTION

In my opinion, the public mind is being confused by references to so-called mass production in connection with tariff rates of duty. If mass production were confined alone to America, it would be a different story, but mass production is possible in every country, and especially is it possible and probable in foreign factories under the control and management of Americans. Anybody who is fooled by that is pretty gullible. The American manufacturer is not likely to build factories abroad and fail to install efficiency methods and machinery.

Does anyone think for a moment that a man of the great ability and foresight possessed by Henry Ford is not applying in his foreign factories the same efficiency methods he applies at Detroit and at Dearborn?

The big question is the pay rolls, and the protective-tariff principle safeguards the pay rolls, the American standard of wages, and the American standard of living.

Mass production affects the foreign worker as well as the American worker and offers a stupendous problem in connection with our economic life. It offers a problem that has no relation to the tariff, and if it has any relation to the tariff, under the machinery set up in the pending bill, which provides for equalizing the differences in conditions of competition at home and abroad, the difference in costs due to mass production would be reflected in the rates.

Mass production without a doubt is producing unemployment. But why add to the condition in America by permitting mass production and low wages in Europe to further increase unemployment here?

The uncertainty and delay in enacting the tariff bill has had its effect upon business, which is reflected more or less in unemployment.

Credit buying has loaded up the American consumer to the saturation point. Mass production has produced goods faster than they can normally be absorbed, either in the United States or in international markets. This condition is having its effect in unemployment.

Technological changes in industries have resulted in over 2,000,000 men and women being thrown out of employment. Machinery is taking the place of men and women to an alarming extent in industry. This is said to be one of the prices we



must pay for progress. It is a high price and is causing a great deal of suffering. However, in all fairness it must be admitted that the fall in employment because of the wider adoption of machinery and the invention of new machines to replace many human hands can not be blamed on the tariff. Our American industries are continuously endeavoring to reduce costs. The tariff can only be employed to help labor actually employed from being forced to compete on a wage basis with cheaper foreign labor.

The building by American manufacturers of factories in foreign countries to take advantage of cheap foreign labor is reducing the production of goods in America, resulting in unemployment.

#### TECHNOLOGICAL

Technological changes in industry are every day eliminating from active employment thousands of men and women. Men and women who have spent their lives in developing the skill and ability necessary in their work find themselves displaced by machinery.

Instances were cited before the Senate committee which are, to say the least, startling. Each case is more or less of an individual tragedy. I quote:

Cases in the steel industry were cited where 7 men now do the work which formerly required 60 to perform in casting pig iron.

Two men now do the work which formerly required 128 to perform in loading pig iron.

One man replaces 42 in operating open-hearth furnaces.

A brickmaking machine in Chicago makes 40,000 bricks per hour. It formerly took 1 man 8 hours to make 450.

In 25 and 40 watt electric bulbs the man-hour output of the automatic machine is more than thirty-one times that of the hand processes.

In New York from 1914 to 1925 the number of workers in the paper-box industry decreased 32 per cent while the output per wage earner increased 121 per cent.

Thousands of skilled musicians with a life's training behind them are being thrown out of employment by the advent of the talking moving pictures.

In the field of news transportation the simplex and the multiplex machines have eliminated the need for trained telegraphers, and to-day by the mere process of typing a message at the sending office the message is automatically printed at the receiving office. Many thousands of trained telegraphers have been made unnecessary during the past few years as a result of this new device.

In the printing trades new inventions in typesetting threaten to make possible the setting of type in innumerable offices scattered as many as 500 miles away by the manipulation of keys in a central plant.

Additional information developed by Mr. Edward F. McGrady, of the American Federation of Labor, in regard to technological changes follow:

Over 8,000,000 more railroad cars were unloaded last year than 1922 with 250,000 fewer railroad employees.

The General Motors' decrease in the number of its workers amounting to 7,987 was accompanied by an increase in production of 37,347 cars delivered to dealers in 1925, compared with 1923.

Between 1925 and 1927 the number of wage earners in the manufacture of motor vehicles, including bodies and parts, decreased 56,796.

In the men's clothing trade a power machine operated by not more than 2 persons displace 200 skilled clothing cutters.

In the iron and steel industry, on a general average 1 man now does as much work as 45 men used to do.

On a trans-Atlantic liner we used to average 120 stokers to feed the boilers; now 3 men do this work, dressed immaculately in white, by merely turning a valve.

The New York Edison Co. installed automatic mechanism that is operating an electric distributing station which is supplying sufficient power to light 300,000 homes without one human being in the plant. An operator 3 miles away handling the switch has perfect control at all times.

Again, a mechanical device known as the business brain will do the work of nine-tenths of the office men employed in large institutions. A machine will simultaneously do the work of a cash register, doing bookkeeping and adding, and in another part of the building make a complete record of the sale. One bank that has used this machine estimates that it can accomplish its accounting and auditing with 7 employees instead of 67 formerly required.

Where it took 49 coal shovelers to feed one of the plants of the International Paper Co., 3 men now do the work by feeding crude oil to the boiler.

In 1915 a man in a razor factory honed 500 blades a day; now that same man hones 38,000.

Not less than 2,000,000 workers have been displaced permanently by modern machinery.

The use of machinery and mass production results in obvious savings to the manufacturer, obtained through reductions in

labor cost and in overhead expenses. The result as has been shown has been to throw thousands of men and women out of employment, but up until 1929 the use of machinery in industry and mass production has created more jobs in certain manufacturing lines through an economic process, which when analyzed must be shown to have certain limitations. Mass production and the use of machinery reduces the cost of articles up to a point where articles which have been regarded as luxuries become necessities. Twenty years ago the automobile was available only for the wealthy man. To-day it is a necessity in common use. During or immediately after the World War the radio was a scientific curiosity of service in times of national distress, such as during wars. To-day it has become an everyday household article, providing entertainment and instruction for the people generally.

Electrical refrigeration, employed only by industry for many years, is to-day being introduced in the home and is being generally used. So that the luxuries of yesterday have become the necessities of to-day, and this has been accomplished in no small degree through mass production and the use of machinery in industry. And while many persons have been forced out of employment, due to mass production and the use of machinery, up until 1929 the development of these new lines offered new fields for the temporarily unemployed.

In 1929, according to statistics, the saturation point was reached. Through credit buying these new articles were absorbed by the public in great quantities, but finally—and this occurred in 1929—the absorption of these articles began slowing up and a new situation confronted, not only those seeking employment but those engaged in mass production.

Mr. President, the value of any market depends upon the purchasing power of the people. Where there is no earning power there is no buying power. Therefore if mass production through the use of machinery should destroy the opportunity of the individual to earn money, the markets for the products of mass production would decline or fall or be lowered to a point where it would be unprofitable to produce the goods, then the industrialist, the demand for his products having declined because of the lack of purchasing power of the community, would be compelled to reduce or cease the production of goods.

The argument of the economists is that the use of machinery in industry and mass production will ultimately tend to stabilize itself. In other words, ultimately we will reach a stabilized condition in industry and consumption whereby the production of goods and merchandise will be limited so as to equal the demand for such goods and merchandise.

The economists further argue that the American market having reached the saturation point, a producer of goods through machinery and mass production must turn to other markets and develop those markets. But the difficulty with this situation, when applying the various tariff principles, such as the principle of protection, free trade, and tariff for revenue only, is the age-old difference in wages, standards of living, and labor conditions between America and foreign countries.

In dealing with the tariff the practical phase of the problem should not be lost sight of in a consideration of the theoretical views of the economists. And the practical industrialist with the money and the executive ability to exploit a foreign market is not likely to fail to recognize the advantage of producing the goods for the foreign market under the most favorable economic conditions from a cost standpoint. It is apparent that those who are seeking to develop foreign markets are taking advantage of the lower wages paid in foreign countries and are establishing their branch factories in foreign countries. Therefore, the introduction of machinery and mass production into our economic life complicates the problem of fixing tariff rates of duty on a basis which will be just and fair to all concerned, and these conditions, it would seem to me, stress the importance of the adoption of comprehensive flexible provisions which will take into consideration in the fixing of tariff rates of duty all conditions, including the conditions resulting from the use of machinery and mass production. That is exactly what the President of the United States had in mind when he said that conditions of competition and not merely relative costs of production should be considered.

If the use of machinery and mass production in America is in fact giving the American producer an advantage over the foreign producer, then rates of duty should be readjusted under the rules laid down in the flexible provisions in the light of these new conditions. But if, as is shown by the evidence in the record, the use of machinery and mass production is prevalent in foreign countries, then rates of duty under the flexible provisions will reflect those conditions.

Personally I can not see that the introduction of machinery and mass production, in view of the fact that their use is



prevalent in all countries, has in the slightest degree changed the tariff situation.

The fact remains that we do pay higher wages in this country; the fact remains that our standard of living in this country is higher, and our only safeguard is protective-tariff rates of duty, which will fairly equalize differences in conditions of competition at home and abroad.

#### CONCLUSIONS

It has been said that unemployment resulting from inventions, the use of machinery, mass production, and so forth, should be regarded as part and parcel of progress. They operate when times are good as well as when times are bad. It is contended that they eventually lead to greater efficiency, lower production costs, and lower prices to the consumer.

#### WHAT IS THE PRICE?

But the big question is, What will ultimately be the price of this progress? What does the future hold for the young men and young women of this country, who must go out into the world and earn their living and a living for their families, if efficiency, mass production, combinations, machinery, mergers, and centralization of power in a few destroy the opportunities of the many?

Where are we trending, and what will be the ultimate result? Are the masses to be the victims of progress rather than the beneficiaries?

What are the chances for a readjustment which will enable those who have to work in order to live to reap the benefit of progress without suffering the destructive effects of progress?

This is one of the greatest problems confronting the American people to-day, and the solution of this problem will require a high standard of statesmanship.

In considering remedies two phases of unemployment should be distinguished. First, those phases which are more or less permanent, and those which may be regarded as more or less temporary.

The remedies for unemployment resulting from technological changes, mass production, and credit buying offer a problem the solution of which has not yet been found.

The suggestion has been made that one solution is shorter hours for labor, perhaps the 5-day week. The tariff protects the higher wages paid labor in America, and it protects the producer of American-made goods from destructive competition from foreign producers, who pay lower wages. If tariff rates of duty are reduced to a point where competition in the home market is increased, the American producer must either reduce wages, increase the hours of labor, or close down his factory. With protection, the hours of labor might be reduced and the higher wages maintained. This suggestion, in my opinion, is worthy of serious consideration.

I confess the conclusions of the Senate committee investigating this subject were exceedingly disappointing. About all the committee suggested were the gathering of up-to-date statistics and the creation of bureaus for assisting the unemployed in one geographical area to take advantage of employment in another geographical area.

The committee finally concluded that the problem is private industry's problem and that there is very little the Government can do to assist.

Temporary unemployment resulting from overspeculation and conditions which followed the stock-market disturbances is being met by the most comprehensive program ever put into operation in this country.

We are all familiar with what President Hoover and the governors of the various States and other public officials are doing to stimulate public work for the purpose of restoring prosperity and offering employment.

The tariff bill will be finally enacted and business will know where it stands. This should stimulate production and increase employment.

As I view the situation, three policies of government are absolutely important and they are interdependent.

First. We must restrict immigration, preserving the American labor market for Americans;

Second. We must protect the American buying market for the products of American labor and American industry; and

Third. By the enforcement of antitrust laws, we must protect the American consumer against price fixing in violation of law.

If we enact a tariff law that protects our market for Americans and then permit combinations to destroy internal competition, we leave the consumer at the mercy of the trusts. But trusts and monopolies are no argument against the protective tariff. The answer is to regulate trusts and monopolies so

that competition will be free and unhampered by unfair practices.

I believe the executive branch of our Government should be ever vigilant and active to protect the public against price-fixing in violation of law.

The price of monopoly is strict Government regulation. The sooner we realize this and act upon it the better for the country. The time to wield "the big stick" seems to me to be close at hand.

#### FLEXIBLE PROVISIONS

As I stated at the beginning of my remarks, while a Member of the House of Representatives, in 1916, I submitted a plan for changing the system of fixing tariff rates of duty, the plan I submitted being comparable to the flexible provisions provided in the pending bill.

Mr. President, I ask that a portion of the remarks made by me in the House of Representatives on June 23, 1916, upon this subject, may be printed at the close of this discussion.

The VICE PRESIDENT. Without objection, it is so ordered. (The matter referred to will be found as Exhibit D at the conclusion of Mr. McCulloch's remarks.)

Mr. McCULLOCH. Mr. President, the flexible provisions provided in the pending bill, being broader and more comprehensive than the provisions contained in the present law, are, in my judgment, a very important step forward.

Under the flexible provisions contained in the pending bill, the Tariff Commission is authorized to investigate relative costs of production and conditions of competition in the production of articles in American and European countries and to readjust the rates of duty within a 50 per cent limitation, so as to equalize the difference in conditions of competition at home and abroad.

Rate-fixing under this rule should protect the American market for the producers of American-made goods and help to maintain our American standard of wages and our American standard of living. It seems to me that no one can seriously question the fairness of the rule laid down in the flexible provisions, and the importance of fixing rates of duty under such a rule.

With the exception of a provision for judicial review, which I strongly favor, it would seem to me that the provisions of the pending bill are comprehensive, workable, and just to all interests.

#### CONSTITUTIONALITY

I have been very much interested in the discussions on the floor of the Senate in regard to the constitutionality of the flexible provisions and the nature of the power that is delegated by the Congress under the flexible provisions.

Clearly, this is a delegation of legislative power. The fixing of tariff rates of duty, the same as the fixing of rates for utility service, is a legislative function to be exercised by the Congress or the legislature directly, or by some agency to which the power is delegated.

The United States Supreme Court, in *Bluefield Water Works Co. v. Public Service Commission* (262 U. S. 679), said:

The prescribing of rates is a legislative act. The commission is an instrumentality of the State exercising delegated powers. Its order is of the same force as would be a like enactment of the legislature.

The Supreme Court of the United States in *Knoxville v. Knoxville Water Works Co.* (212 U. S. 1), said:

Nevertheless, the function of rate making is purely legislative in its character, and this is true whether it is exercised directly by the Legislature or by some subordinate and administrative body to whom the power of fixing the rates in detail has been delegated. The completed act derives its authority from the legislature, and must be regarded as the exercise of legislative power.

The most comprehensive decision, in my opinion, upon the subject of the delegation of legislative power—and that is exactly what it is, a delegation of legislative power—is the case of *J. W. Hampton, Jr., & Co. against the United States*, decided April 9, 1929, the opinion being handed down by Mr. Chief Justice Taft. In this decision the entire subject of the constitutionality of the flexible provisions of the act of 1922 was fully considered.

This decision was very fully discussed on the floor of the Senate by my colleague, the senior Senator from Ohio, last week. His arguments and logical presentation of the whole question seemed to me to be unanswerable.

I feel, however, that the record of this debate should contain a major portion of the text in the opinion of the Hampton case. I, therefore, ask that a portion of this opinion be printed at the close of my remarks.



The VICE PRESIDENT. Without objection, it is so ordered. (See Exhibit E.)

Mr. McCULLOCH. At this time I desire to call attention to the following excerpt from the opinion. The Chief Justice said:

It is conceded by counsel that Congress may use executive officers in the application and enforcement of a policy declared in law by Congress, and authorize such officers in the application of the congressional declaration to enforce it by regulation equivalent to law. But it is said that this never has been permitted to be done when Congress has exercised the power to levy taxes and fix customs duties.

The authorities make no distinction. The same principle that permits Congress to exercise its rate-making power in interstate commerce by declaring the rules which shall prevail in the legislative fixing of rates, and enables it to remit to a rate-making body created in accordance with its provisions the fixing of such rates, justifies a similar provision for the fixing of customs duties on imported merchandise.

There can be no doubt as to the constitutional right of Congress to delegate, under proper rules, the power to fix tariff rates of duty.

I predict that the day is not far distant when the same kind of machinery we have for fixing freight rates will be set up for fixing tariff rates.

I regret that the provisions for judicial review have not been incorporated in the present draft of the flexible provisions. Mr. President, I ask that a draft of the flexible provisions providing for judicial review, which I prepared, be printed at the close of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered. (See Exhibit F.)

#### THE TARIFF BILL OF 1930 AS AN AID TO AGRICULTURE

Mr. McCULLOCH. Two-thirds of the increases in rates in the pending tariff bill are on agricultural items, and, as I have shown, the percentage of increase on agricultural items is very much higher than on industrials, the percentage of increase on agricultural items being 10.82 per cent, and on industrial items the percentage of increase is 2.37 per cent.

With the aid of available experts and a careful analysis of the facts developed in the debates, I have endeavored to determine the effect of the rates on agriculture as a whole and also the effect of the rates on the agricultural industry in Ohio.

The tendency of the Members of the Senate on both sides of the Chamber has been to grant substantial relief to agriculture. All reasonable demands have been considered, accepted, and reflected in the rates.

In addition to tariff rates of duty as an aid to agriculture the Congress has adopted other means to assist the farmer in bettering his economic condition.

A Federal Farm Board has been created, and has been operating now for almost a year. Under the broad powers granted by the Federal Farm Board act that agency has ample facilities at its disposal to assist farmers in organizing farmers' cooperative associations and stabilizing corporations, and to set up the machinery necessary for efficient marketing of the products of agriculture. So far the Federal Farm Board has put into operation a policy based upon the theory that in order to increase the price of farm commodities the production of farm products, wherever a surplus is common, must be reduced so that, if possible, the quantities of farm products produced annually in the United States will be measured as nearly as possible by the amount of farm products consumed in the United States.

If it is found possible to carry out the policy of the Federal Farm Board in this regard, it would follow that the farmer's problem, in so far as prices are determined by the exportable surplus, would be solved.

It was developed during the debates that conditions on the farm have radically changed in recent years. It is said that the use of machinery has reduced the number of employees necessary on the average farm. This, together with greater opportunities for employment in the city, has resulted in a distinct movement of man power from the farm to the city; and though our population is steadily increasing, and the demand for food of all types is continually growing, nevertheless our farm population, according to statistics, has been steadily declining.

It appears that there are two distinct schools of thought in regard to methods for solving the so-called farm problem. The first is the solution proposed by the Federal Farm Board of limiting the crops, and thus raising prices; and the second is the suggestion that the farmer adopt the same method which is prevalent in industry, of increasing his crops through the use of machinery and mass production, thus reducing costs.

Whether or not either of these two suggested remedies is workable, and will in the end prove a solution of this most important problem, is yet to be determined.

There has been quite a little criticism of the operation of the Federal Farm Board in the debates; and the suggestion has

been made that the adoption of machinery and mass production for the average farmer is impracticable.

It is conceded that the theory of mass production is impractical in connection with some branches of the farm industry, particular reference being made to the raising of certain crops, and the impracticability of applying such methods in certain branches of the industry, such as in dairying.

The big question, however, in connection with the pending bill, is whether or not the relief sought by the increased rates will benefit the farmer and to what extent those increased rates will add to the burdens of the consumers of the products of the farm.

The State of Ohio is one of our leading industrial States. Ohio ranks third in the value of manufactured products, as reported by the census of 1927, the amount of manufactured products produced during 1927 being \$5,230,000,000. The wages paid to industrial workers in Ohio in 1927 amounted to \$968,000,000. There are, according to the census of 1927, some 669,000 wage earners employed in the manufacturing industries in Ohio.

While Ohio is a great industrial State, it also ranks high in the production of agricultural commodities. According to the United States Department of Agriculture, the gross income received by the farmers of Ohio for their farm products places the State of Ohio as tenth in importance among all the States in 1928. The estimated gross income for the total farm production in the State of Ohio for 1928 was reported as \$398,000,000.

The prosperity, therefore, of this industry in Ohio is of very great importance to all of the people of the State. When farmers are prosperous they purchase the products of manufacturers through the medium of our merchants, and when manufacturers are prosperous they purchase the products of the farmer, it being estimated that 40 per cent of the labor cost of production of manufactured articles is spent for food by the workers who produce the goods and merchandise.

The whole system is therefore an interdependent one, and should be so regarded in the enactment of tariff legislation.

In my opinion tariff legislation will not solve all of the problems of the farmer; but by the proper application of the protective-tariff theory in preserving our home market for the products of American industry, including the farm, very great benefit can be derived by the farmer through tariff legislation properly applied.

I think it can fairly be said that the most the pending tariff bill can offer to the farmer by way of direct benefit is an opportunity to produce and sell more of those products for which the duties imposed in the pending bill may be wholly or partially effective.

It has been urged, and I think with some force, that the way has been opened to the farmer to diversify his production, so that by reducing the production of farm commodities which are not profitable and by increasing the production of farm products which are profitable the farmer will be enabled to increase his net income.

The farmers of Ohio are in many respects advantageously located for general farming. We have in our own State great markets, and we are close to great markets in other States, so that the Ohio farmer can market his products without having added to the cost heavy freight charges which, where competition is sharp, reduce profits. As an example, it has been pointed out that on commodities such as corn and wheat, which are produced in Ohio in large quantities, Ohio farmers receive a much better net price than do the farmers in the more western States, the Ohio farmer securing the benefit of the reduction in transportation charges.

As another example, the statistics of the Department of Agriculture with reference to prices of farm products show that Ohio farmers get a much higher price for winter wheat than does the Kansas farmer. It should follow, therefore, that the farmers of Ohio, who produce large quantities of wheat, corn, rye, oats, and barley, and also livestock, poultry, poultry products, and dairy products, are better situated because of geographical location for making larger profits in these agricultural commodities than farmers located directly east or west of the Mississippi River, who must accept lower net prices because of the cost of transportation to eastern markets.

Tariff legislation affecting the farmer as a producer is found mostly in the agricultural schedule, but certain items of importance are found in the chemical schedule—as an instance, casein is in the chemical schedule—in the sugar schedule, in the tobacco schedule, and in the wool schedule. All farmers are naturally interested in the free-list provisions, which in the pending bill carry out the policy laid down in the act of 1922 of permitting the importation into the United States free of duty of all commodities which the farmer uses in the production of his crops.

As an example of the effect of the free list upon the farmers, it should be pointed out that under the pending bill the free



list covers agricultural implements of all types, cream separators valued at not more than \$50, arsenic, binder twine, dried blood, bones, fertilizer of all types, Paris green, crude phosphates, crude gypsum, potash salts for fertilizer purposes, sheep dip, sodium nitrate, barbed wire, and so forth.

#### AGRICULTURE IN OHIO

Conditions relative to agriculture in Ohio differ in many respects from conditions in the North Central States, such as Iowa, Kansas, Nebraska, the Dakotas, and Montana.

In Ohio, according to the reports of the Department of Agriculture, there is a tendency toward diversification of crops, the production of fruits and seeds are becoming more and more important, and the trend of agricultural production in Ohio is toward the growing of feed, such as corn and hay, to be used in maintaining the production of cattle, both for meat and dairy purposes, hogs, and poultry.

In Ohio the dairy industry is one of the leading sources of the farm income. Ohio is also a fairly large wool-growing State. We produce maple sirup, maple sugar, and beet sugar. Ohio farmers are also engaged in the growing of tobacco, potatoes, truck crops, and greenhouse products.

Mr. President, I ask that there be printed in connection with my remarks a table prepared for me by experts in the departments showing the estimated gross income from farm production in Ohio by commodities for the year 1928. This table is drawn from the official reports of the United States Department of Agriculture. It does not represent the value of the crops produced in Ohio and the animal products yielded by the farm, but represents the gross income received by the farmer on the various items listed. For example, the gross income received from corn is reported as somewhat over \$9,000,000. As a matter of fact, Ohio is one of the most important corn-producing States in the Union, and in 1928 produced more than 136,000,000 bushels. However, most of this corn is consumed on the farms as a feeding material for animals, particularly hogs, cattle, and poultry.

Thus the gross income reported in this table represents the income received from the sale of corn as such. The income received from all corn has been distributed in the proper groups of cattle, hogs, sheep, and poultry, and so forth.

The vital question involved in this discussion is to what extent the pending tariff bill will aid agriculture, and I have developed the facts and statistics with a view of determining the effect of the pending tariff bill upon the producers of farm products in Ohio.

The PRESIDING OFFICER (Mr. BRATTON in the chair). Without objection, the table will be printed in the RECORD.

The table is as follows:

*Estimated gross income from farm production in Ohio, by commodities, 1928*

	Value
Corn	\$9,291,000
Wheat	6,506,000
Oats	13,124,000
Barley	1,100,000
Rye	126,000
Buckwheat	514,000
Tobacco	7,609,000
Potatoes	7,565,000
Sweet potatoes	588,000
Truck crops	6,836,000
Hay and sweet sorghum	8,321,000
Clover seed (red and alsike)	2,737,000
Clover seed (sweet and Japanese)	87,000
Timothy	309,000
Soybeans	382,000
Cowpeas	20,000
Apples	7,433,000
Peaches	2,620,000
Pears	345,000
Grapes	1,626,000
Strawberries	1,364,000
Other berries	996,000
Other fruit	1,048,000
Maple sirup and sugar	1,121,000
Sorghum sirup	270,000
Farm gardens	13,664,000
Nursery products	1,287,000
Forest products	9,022,000
Greenhouse products	7,052,000
Other crops	2,022,000
<b>Total crops</b>	<b>114,985,000</b>
Cattle and calves	32,151,000
Hogs	69,482,000
Sheep and lambs	7,720,000
Poultry (chickens)	26,407,000
Eggs (chickens)	45,875,000
Milk and milk products	87,362,000
Wool and mohair	6,805,000
Bee products	391,000
Horses	92,000
<b>Total, animal products</b>	<b>276,285,000</b>
<b>Total, crops and animal products</b>	<b>391,270,000</b>

Mr. McCULLOCH. Whether or not the products of American industry are being displaced by the products of foreign industry in our home market is best determined by the amount of imports of competitive articles.

For the purpose of determining as nearly as possible the amount of imports for consumption of dutiable farm products, I have prepared a table, which I ask, Mr. President, to have printed in connection with my remarks.

This table shows the imports of dutiable farm products during the year 1928. It does not include nonedible agricultural products, such as hides, wool, long-staple cotton, tobacco, casein, nor vegetable oils, sugar, and molasses. Excluding the articles mentioned, there were imported into the United States during the year 1928 dutiable farm products amounting to \$176,502,042.

This figure is far short of our total import of foodstuffs subject to duties. On June 9, 1930, the Department of Commerce issued an analysis of our foreign trade. It reports that in 1929 the value of our dutiable import of foodstuffs of all types was \$436,400,000. In addition, we imported foodstuffs to the value of \$525,700,000 free of duty. The latter group includes coffee, tea, cocoa beans, and so forth.

The PRESIDING OFFICER. Without objection, the table will be printed in the RECORD.

The table is as follows:

*United States imports for consumption of dutiable farm products, 1928*

	Dutiable
Animals, edible	\$20,944,264
Meat products	22,004,417
Dairy products	33,634,401
Eggs of poultry	5,537,960
Grains and preparation	3,863,726
Fodders and feeds	10,916,262
Vegetables and preparations	32,166,872
Fruits and preparations	21,841,245
Nuts	25,682,899
<b>Total</b>	<b>176,502,046</b>

This table does not include inedible agricultural products, such as hides, wool, long-staple cotton, tobacco, nor does it include casein, vegetable oils, sugar, and molasses.

Mr. McCULLOCH. Can American farmers, if given a reasonable competitive opportunity, take over and supply a considerable portion of these products which at the present time benefit the foreign farmer instead of the domestic farmer?

That will be the supreme test of the effectiveness of this legislation as it relates to the farmer.

Under the rule applied in the enactment of this bill, that conditions of competition at home and abroad shall be equalized by tariff rates of duty, if the rule has been fairly applied in the fixing of rates on farm products, the American farmer will have an opportunity under these rates to compete in our home market with foreign farmers.

Remembering that an important test to be applied is the amount of imports, I have requested the experts in the various departments to furnish me data upon which an accurate analysis of some of the outstanding agricultural items in the bill can be made.

I have taken certain outstanding items, and have summarized the information furnished me by the experts.

#### LIVESTOCK AND MEAT

In 1923 imports of live cattle amounted to 133,000 head, weighing 81,892,000 pounds. In 1928 the imports had increased to 517,000 head, weighing more than 250,000,000 pounds, and valued at slightly more than \$20,000,000.

Duties on live cattle have been changed and increased so as to enable the American producer and domestic cattle grower to fill at least in part this demand, which is now going to the cattle raisers of Mexico and Canada.

In 1923 our imports of beef amounted to 16,000,000 pounds, valued at \$1,885,000. In 1928 these imports had increased to 40,700,000 pounds, valued at \$4,774,000.

The imports of veal in 1923 amounted to 2,740,000 pounds, valued at \$334,000. In 1928 they had increased to 7,900,000 pounds, valued at \$1,372,000.

The duties in the pending bill are designed to equalize the differences in the cost of production in the United States and foreign countries so that the American producer can secure at least a part of this business which is now going to foreign producers.

The figures show that we have imported large quantities of pork and pork products. In 1928 our imports of live hogs were valued at more than a million dollars. Our imports of fresh pork were valued in 1928 at approximately a million dollars. Our imports of hams, bacon, and shoulders were approximately a million dollars.

In 1923 the imports of canned beef amounted to 4,490,000 pounds, valued at \$383,000. In 1923 these imports had in-



creased to 52,736,000 pounds, valued at \$6,437,000. The imports of prepared or preserved meats other than canned beef, in 1923 amounting to 2,278,000 pounds, have been sharply increased in 1928 to 14,827,000 pounds.

## POULTRY

Our imports of live poultry in 1928 amounted to 1,497,000 pounds, valued at \$378,000. Canada is the chief source of our imports. In the case of dressed poultry of all types, in 1923 our imports amounted to 1,640,000 pounds, valued at \$497,000. In 1928 they had increased to 5,495,000 pounds, valued at \$1,467,000.

## DAIRY PRODUCTS

As Ohio is a large producer of dairy products, the changes in the rates on dairy products should benefit Ohio farmers.

An important item in connection with the duties on dairy products is the increased duty on casein made from skim milk. In 1928 the imports of casein were 28,612,000 pounds, valued at \$3,674,000.

## VEGETABLES

In 1928 we imported 1,800,000 cases of canned tomatoes from Italy.

In 1928 we imported, largely from Spain and Egypt, 125,300,000 pounds of onions, valued at \$2,260,000.

Imports of both seed potatoes and potatoes intended for food come principally from Canada, with minor quantities of the early varieties from Cuba, Bermuda, and Mexico. The imports from Canada compete with our domestic production of certified seed potatoes as well as our potatoes intended for food. The imports have fluctuated a great deal, and have varied directly with our crop conditions. In 1925 they were as low as 222,000 bushels. In 1926, when prices were high in the United States, they increased to 5,646,000 bushels.

## WOOL

Important changes have been made in the wool schedule, particularly with respect to the duty on raw wool, the duty on waste wool, noils, wool rags, and so forth. Practically since the beginning of the Colonies the United States has had an important farm enterprise in sheep raising. This enterprise, although of much more importance to shepherds in the Western and Mountain States, has proven profitable to farmers in Eastern States, such as Ohio. In 1929 the Department of Agriculture reported that the number of sheep and lambs on the farms in Ohio amounted to 2,154,000, out of a total of 47,171,000 for the entire United States. The woolgrower has been suffering from severe competition from the imports of waste wools, noils, and wool rags. Under the act of 1922 the imports of this particular group of waste wools have been quite large. In 1923 they were valued at \$11,000,000, and in 1928 the value of the imports had increased to \$15,109,000. Wool rags, in particular, have shown a large increase. In 1923 the imports were valued at \$2,800,000, and in 1928 at \$6,200,000. During the past year there has been a sharp decline in wool prices throughout the world, and they are now as low as they were in 1913, before the World War. The wool producers have been suffering considerably because of the general decline in the use of wool for textile industry. It has been estimated that the employment of wool for textiles has fallen off about 20 per cent in the past seven years. The same situation prevailed throughout the world, and has been accompanied by an increase in the world's supply, as well as in our own domestic production. The reduction in the use of wool in clothing and textiles of all types has been caused by changes in style and by the introduction of other fabrics, such as rayon, which substitute for or compete with the woolen fabrics. The new duties will tend to limit the importation of wool waste, particularly wool rags, and to force the use of more virgin wool in the making of woolen textiles of the kind and character which in recent years have contained considerable quantities of wool obtained from waste products. It is hoped that the increases in rates on these waste products in conjunction with the rates set on virgin wool will widen the domestic market for our wool, and will open to the domestic woolgrower a portion of the market previously supplied by wool obtained from wool waste.

The table indicating the importations of agricultural products, and the incomplete summary I have attempted to make of data which have been available to me showing importations of large quantities of farm products, indicate clearly that there is a great opportunity for the American farmer to take over a considerable portion of this business, which should add materially to his prosperity.

There are many involvements in the agricultural schedule which I shall not attempt to analyze; but it seems to me, where importations are large from foreign countries of articles we can just as well produce in our own country, that every effort should be made, not only through legislation but otherwise, to secure for the American producer this business. By equalizing the differences in conditions of competition at home and abroad,

and by fixing tariff rates of duty fairly, we put the American producer of farm products upon an equal basis in our own market with the foreign producer of farm products. The pending bill should be of material assistance, not only to the farmers of Ohio but to the farmers throughout the United States.

As I stated at the beginning of my remarks in regard to the agricultural increases in rates of duty, this bill should be analyzed not only from the standpoint of the benefits to agriculture but also with a view to determining the effect of these increased rates placed upon the necessities of life on the consumers of the country. Prior to 1921, when the emergency tariff bill was enacted, it was a part of the tariff policy of this country to place upon the free list all products which affected in any way the necessities of life, and this was particularly so in regard to products consumed as food.

A careful examination of the analysis which I have presented will, I think, justify the conclusion that the placing of protective-tariff rates of duty upon foodstuffs, as provided in the pending bill, will not necessarily increase the price of food to the American consumer, but that these tariff rates of duty will furnish the American producer the opportunity of supplying these products to American consumers instead of permitting such products to be supplied to American consumers by foreign producers.

Internal competition, if unrestrained by unlawful practices and agreements, should regulate fairly the prices of these products to the consumer.

To the extent that the cost of production of farm products in America is greater than the cost of production of farm products in foreign countries, tariff rates of duty equalizing this difference are justifiable, even though they would result in increasing temporarily the prices of the commodities. This is true for the reason that if the cost of production in America is higher that increased cost is caused by higher wages paid to those who produce the goods, thus enabling those who produce the goods to purchase products in the American market. By producing foodstuffs in America for the American market the great agricultural industry of this country should become prosperous. Agriculture then contributes its share toward our general prosperity; and through its workers and those engaged in that industry who are able to purchase the products of manufacturers, prosperity being interdependent, everyone is benefited. So the conclusion must be irresistible that fair protective-tariff rates of duty on agricultural products, even though they be on the necessities of life, are justifiable under the theory of protection.

One other point should not be lost sight of. Does anyone think for a moment that the foreign producer is going to sell his products in the American market for less than the market will stand? Not at all. He cuts the price to the American consumer just enough to get the business. Do you think the foreign producer is going to give the American people anything? Is he going to be satisfied with a reasonable profit if he can get an exorbitant profit? Not at all. He is going to get all he can, and he gets the top price after he has undersold the American producer. When he finally drives the American producer out of business, he takes all his conscience will let him, and that is all he can get. So protection safeguards prices of commodities to the American consumer not only through internal competition but by forcing competition on a fair basis with the foreign producer. Protection is an American policy applied in the interest of Americans, both producers and consumers. The agents of foreign producers in this country, the importers, are shrewd business men, ready to take and profit by any advantage.

I remain confident in the belief that prices will be regulated internally through competition and that the consumers of the country will not be seriously affected by the rates through increased prices, but, rather, the opportunity will be offered the American producer of farm products to supply the American market instead of permitting the foreign producer of farm products to supply the American market. The result should be a contribution to our general prosperity without additional burden to the consumer, the prices being regulated by internal competition.

Industrial workers in our great cities have been told that they face, because of rates in the pending bill, a tremendous increase in the cost of living in the prices of foods. I believe this statement is not well founded and is not based on the facts as they really exist. Industrial workers have a lot to gain by our farmers attaining a better economic position. In the State of Ohio approximately 20 per cent of our population live on farms. The manufacturing industries of Ohio, with their tremendous volume of goods produced annually, amounting to more than \$5,000,000,000, market their products all over the United States and are decidedly dependent on our farm population as representing an important group of purchasers. If farmers, either in Ohio or in the rest of the country, can better their economic position, if they can obtain a larger income per farm, it is clear



that they will be in a better position to purchase manufactured goods. If the farmer can see an opportunity for widening his market, he then will attempt to produce more per farm of the needed commodities and will receive a larger income per farm. This will improve his purchasing power and will result in helping not only himself but also the industrial groups operating in our cities.

I feel that the pending bill carries out the messages of the President. The rates of duties for agriculture have been materially changed. This is the first bill in which agriculture has been given prime recognition. In the other schedules affecting industry the changes have been minor. The ad valorem equivalents of the pending bill for industrial schedules are, as I have shown, practically the same as in the act of 1922, the increase being only 2.37 per cent. If errors have been made in the schedules—and no tariff bill has been free from errors in rates—corrections can be easily made through the operation of the flexible provisions. It is obvious that the Congress has not the machinery nor the time to determine with exactness each agricultural and industrial rate. However, the Tariff Commission has that power under the pending bill, and the President can put into effect the intent of Congress as laid down under the comprehensive rules provided. I feel that the flexible provisions will fully safeguard the interests of both our consumers and producers; and with those provisions in the bill I shall vote for it.

## EXHIBITS

- A. Summary from Senator SMOOT's speech.
- B. Statement prepared by the American Federation of Labor.
- C. Letter from Vice President Woll, of the American Federation of Labor.
- D. Senator McCULLOCH's speech on the floor of the House, 1916.
- E. Chief Justice Taft's opinion.
- F. Proposed substitute to section 336.

## EXHIBIT A

SUMMARY PREPARED BY THE CHAIRMAN OF THE FINANCE COMMITTEE,  
SENATOR SMOOT, OF UTAH

*H. R. 2667 as a whole*

In the entire list of comparable items in the tariff act of 1922 there are 2,830 named items and basket clauses, as compared with 3,218 in H. R. 2667. No rate changes were made in 2,170 of these, or nearly 68 per cent of the total. Increases were made in 888 and decreases in 235. Transfers from the dutiable to the free list embraced 75 items and 48 items were transferred from the free to the dutiable list. On the basis of imports during 1928 these changes with respect to comparable items show duties of \$630,456,280 under H. R. 2667, as compared with \$522,649,383 under the present law. The computed ad valorem equivalents of the duties are 33.22 per cent and 40.08 per cent, or an increase of 6.86 per cent.

The bulk of the indicated increases in the duties and in the computed ad valorem equivalents of them results from higher duties on competitive agricultural products and from the compensatory element contained in imported manufactured products which are made in part or entirely from agricultural raw materials. A careful item by item analysis has been made by the Tariff Commission of the changes in rates in order to ascertain the actual protective rates on agricultural raw materials and the foregoing compensatory elements contained in the duties on manufactured products which use agricultural raw materials. These compensatory elements are protective to agriculture and merely neutralize for domestic manufactures any effect which the tariff may have in raising the cost of their raw materials. Obviously it is the noncompensatory elements in the duties on imported manufactured products made from agricultural raw materials which constitute the protective rates intended to equalize the differences between domestic and foreign costs of conversion.

The results of this study appear in Table 1 (p. 5) of the commission's mimeographed report on Compensatory and Protective Duties (May, 1930). This report, it should be noted, makes no attempt to separate out the compensatories on agricultural raw materials more than one stage removed from the raw state. For instance, no attention is given to the compensatory element inherent to the linseed crushed for oil used in imported paints or to that inherent to the cattle hides and calfskins contained in the leather used in imported boots, shoes, and other manufactures of leather. The following comparisons, therefore, minimize the real protection afforded to agriculture.

Part I of the table referred to above shows that imports of agricultural raw materials during 1928 were valued at \$512,450,270. The duties collected amounted to \$195,235,834, equivalent to 38.10 per cent ad valorem. Under the rates provided for H. R. 2667 the duties would amount to \$250,688,224, with an ad valorem equivalent of 48.92 per cent, or an increase of 10.82 per cent.

Part II of this table shows that imports in 1928 of manufactured products made from agricultural raw materials were valued at \$183,-

062,487. The duties collected amounted to \$66,176,607, with an ad valorem equivalent of 36.15 per cent. Under the rates in H. R. 2667 the duties would amount to \$89,472,920, with an ad valorem equivalent of 48.87 per cent, or an increase of 12.72 per cent. But the compensatory elements in these duties, offsetting the higher cost to domestic manufacturers of agricultural raw materials imported as such, amounted to \$23,837,747 under the present law, equivalent to 14.11 per cent ad valorem. Under the rates in H. R. 2667 these compensatory duties would amount to \$42,570,671, equivalent to 23.25 per cent ad valorem, or an increase of 9.14 per cent. The purely protective elements in these duties amounted to \$40,338,860 under the tariff act of 1922, as compared with \$46,902,249 under the rates in H. R. 2667, with respective ad valorem equivalents of 22.04 and 25.62 per cent, or an increase of 3.58 per cent.

The foregoing means that, under the rates in H. R. 2667, agricultural raw materials imported as such have fared three times as well with respect to increases in the duties as have protective rates to American processors of such raw materials. Substantially the same is true with respect to the compensatory elements contained in the duties on imports of manufactures made from agricultural raw materials. These compensatory elements, of course, protect the American farmer in his duties on competitive raw materials and are as valuable to him as the duties levied directly on imports of them. The disparity between the increases provided for in the interest of the farmer as compared with those in the interest of the manufacturers of agricultural raw materials are fully justified. Under tariff act of 1922 the farmer was less well cared for than was intended when the present law was enacted.

With respect to industrial products made from other than agricultural products, with a correction for the change in softwood lumber, Part III of the table in question shows that the duties collected under the present law on imports during 1928 amounted to \$261,232,942, with an ad valorem equivalent of 31.02 per cent. Under the rates in H. R. 2667 these duties would amount to \$290,295,136, with an ad valorem equivalent of 33.08 per cent, or an increase of 2.06 per cent. As shown in Part IV of the table and with a similar correction for softwood lumber, the protective rates on all industrial products, irrespective of the kind of raw materials used (without deduction of compensatories on other than agricultural raw materials), had an average ad valorem equivalent of 29.42 per cent under the present law as compared with 31.79 per cent under H. R. 2667, or an increase of 2.37 per cent. On the basis of actual experience in 1928, it is evident that protective rates to agriculture have been increased four times as much as the protective rates to industry as a whole.

The consideration given to agriculture in H. R. 2667 as compared with the present law also is shown by a comparison of (1) the increases in all the duties collected on agricultural raw materials, (2) of the increases in all of the protective rates to all industrial products, and (3) of the total increases in the duties on all comparable items, whether agricultural or industrial. Thus the duties collected on imports of agricultural products, including the compensatory elements in Part II of the table above referred to, amounted to \$221,077,581 under the tariff act of 1922 as compared with \$293,258,895 under H. R. 2667. The increase amounts to \$72,181,314. With a correction to allow for the change on lumber, the protective rates to industry resulted in duties amounting to \$301,571,802 under the tariff act of 1922 as compared with \$337,197,385 under H. R. 2667. The increase amounts to \$36,402,057. With a similar change concerning lumber, the total duties collected on all comparable items amounted to \$522,649,383 under the tariff act of 1922 as compared with \$630,456,280 under H. R. 2667, and shows a total increase of \$107,806,897. Practically 68 per cent of this total increase results from the higher duties on agricultural raw materials, yet the declared value of these items imported as such was only about 33 per cent of the declared value of all comparable imports in 1928.

The foregoing simply means that H. R. 2667 is written primarily for agriculture. The bill goes as far as it is possible to go in protecting agriculture in its home market and yet not prejudice the industrial pay rolls, which are such an important factor in the size and profitability of that home market. Defects which have become apparent in the tariff act of 1922, owing to changes in competitive conditions during the past eight years, have been remedied. Agriculture has been given the consideration which was intended in 1922, but which was prevented by lack of information and by changes in competitive factors since that time. The bill stands on its merits in appearing for a final vote.

## EXHIBIT B

STATEMENT MADE BY THE VICE PRESIDENT OF THE AMERICAN FEDERATION  
OF LABOR

AMERICAN FACTORIES LEAVING AMERICA FOR LOW WAGES—PROTECTED IN UNITED STATES BY PATENTS AND TRADE-MARKS, THEY PAY LOW WAGES IN OTHER COUNTRIES, BUT SELL AT AMERICAN VALUE AT HOME, EXPLOITING PUBLIC, DENYING EMPLOYMENT

Matthew Woll, vice president of the American Federation of Labor and president of America's Wage Earners' Protective Conference, the

trade-union tariff organization, to-day continued to urge the proposal laid by him before the Senate Finance Committee for an amendment to the tariff bill stipulating that holders of American patents and trade-marks must manufacture in America the articles so protected. In that connection he made public a lengthy but only partial list of American corporations which have branch factories abroad.

"Holders of such patents and trade-marks," said Mr. Woll, "seek thereby to have a monopoly of the American market, manufacture their products abroad with low-wage foreign labor, import these patent and trade-mark protected articles duty free or with a low tariff, but selling them on a basis of American costs, exploiting the consumer and denying to American labor the opportunity for employment.

"Manufacturers claim they must now manufacture abroad to meet provisions in foreign laws which stipulate that articles protected by patents in foreign countries must be manufactured in those countries. That is the law in practically every industrial country of Europe.

"In addition, some manufacturers claim that the tariff barriers against these same commodities are such that they find it almost necessary and certainly cheaper to manufacture in foreign countries. It is significant that of the many hundred American manufacturers now producing commodities in foreign countries, there are but few, if any, of these manufacturers who pay higher wages than they are compelled to pay in the foreign countries where they operate.

"Singer Sewing Machine for a time imported all of its parts from Scotland, and only because the company refused to permit inspection of its books by American agents, as provided by our law, were its products barred from importation for a time.

"R. Hoe & Co., controlling valuable monopoly in printing presses by virtue of patents, imports parts of machines for sale in the American market. The Durham Duplex razor people do likewise, selling here for a standard price, exploiting our consumers and denying to our workers the opportunity of employment in the manufacture of those parts.

"Ford has stopped making his tractors in America and is making them in Cork, Ireland. He intends to manufacture all of his parts there and import them to the United States duty free as agricultural implements. He has many other plants in Europe and hence wishes also to place automobiles on the free list. The deduction, naturally, is clear. General Motors is in the same position. Other manufacturers are doing likewise and still others are considering doing the same thing. The situation is growing more important every month."

Following is a partial list of branch factories operated by American corporations in foreign countries. The list shows the name of the American corporation and the name under which it operates its foreign branch or branches, together with the countries in which such branches are operated. The list does not include American companies holding the patent rights and manufacturing processes used by the foreign companies, or American companies manufacturing abroad under a license arrangement or on a royalty basis, in any case where a field officer has discriminated.

SWEDEN	
<i>American company</i>	<i>Branch factory abroad</i>
International Harvester Co., Chicago, Ill.	Aktb. International Harvester Co., Norrköping, Sweden.
Boston Blacking Co., Cambridge, Mass.	Boston Blacking Co. Aktb., Helsingborg, Sweden.
Spirella Co. (Inc.), Meadville, Pa.	Kersettfabriken Spirella Aktb., Malmö, Sweden.
General Motors Corporation, Detroit, Mich.	General Motors Nordiska Aktb., Stockholm, Sweden.
SPAIN	
Ford Motor Co., Detroit, Mich.	Ford Motor Co., S. A. E., Barcelona, Spain.
Boston Blacking Co., Boston, Mass.	Boston Blacking Co., S. A., Barcelona, Spain.
United Shoe Machinery Co.	United Shoe Machinery Co., A. E., Barcelona, Spain.
Union Sulphur Co., New York City, N. Y.	Union Sulphur Co., S. A. E., Taragona, Spain.
Armstrong Cork Co., Pittsburgh, Pa.	Armstrong Cork Co. of Spain, Seville, Spain.
International Standard Corporation, New York.	Standard Electrica, S. A., Madrid, Spain.
International Telephone & Telegraph Corporation, New York City, N. Y.	Compania Telefonica Nacional de Espana, Madrid, Spain.
General Motors Acceptance Corporation, New York.	General Motors Peninsular, S. A., Madrid, Spain.
Warren Brothers, Boston, Mass.	Pavimentos Warrenite-Bithulithic, S. A. E., Valencia, Spain.
American Cynamid Co., New York.	American Cynamid Co., Valencia, Spain.
Singer Sewing Machine Co.	Singer Sewing Machine Co., Barcelona, Spain.

## ITALY

<i>American company</i>	<i>Branch factory abroad</i>
General Electric Co.	Compagnia Generale di Elettrocita, Milan, Italy.
Western Electric Co.	Standard Elettrica Italiana, Milan, Italy.
American Radiator Co.	Societa Nazionale dei Radiatore, Milan, Italy.
Boston Blacking Co.	Boston Blacking Co., S. A. Bovisa, Milan, Italy.
Consolidated Steel Strapping Co.	Societa Italo-Americana Brevetti Signode, Milan, Italy.
Westinghouse E. and M. Co.	Societa per Costruzioni Elettromeccaniche, Saronno, Italy.
Standard Oil Co. of New Jersey.	Societa Italo-American pel Petrolio, Genoa, Italy.
Edison Lamp Works.	Societa Edison Clerci, Milan, Italy.
Columbia Ribbon & Mfg. Co.	Columbia Ribbon & Carbon Mfg. Co., Milan, Italy.
American Radio Co.	American Radio Co., Milan, Italy.
Eastman Kodak Co.	Kodak, S. A. Milan, Italy.
James H. Rhodes & Co.	James H. Rhodes & Co., Lipari, Messina.
Ford Motor Co.	Ford Motor Co., Trieste, Italy.
General Motors Corporation.	General Motors Corporation, Trieste, Italy.

## GREECE

The Standard Oil Co. of New York is the only American firm reported as having a branch factory in Greece. No information as to the location is available.

## GERMANY

The following American firms have been reported as having branch factories in Germany. No information as to the name or location of the branch factory is available:

International Harvester Co., National Cash Register Co., Worthington Pumps Co., A. Mergenthaler Co., Otis Elevator Co., Steinway & Sons, National Radiator Co., Standard Varnish Works, Singer Sewing Machine Co., Eastman Kodak Co., First National Moving Pictures, Yale & Towne Mfg. Co., Frigidaire, Corn Products Co., Dessart Bros., Quaker Oats Co., Carborundum Co., Norton Co., Wrigley Co., Beechnut Co., Warner Brothers, Northam Warren, Erech Corporation, Chesebrough Mfg. Co., Palmolive Co., Hudson-Essex Co., Union Special Machine Factory, Chicago Pneumatic Tools Co., International Combustion Engineering Corporation, Kardex Rand Corporation, Pfaunder Co., Sharpless Separator Co., Ford Motor Co., General Motors Corporation, Chrysler Co., and Willys-Overland Co.

## AUSTRIA

The only American firm reported as having a branch factory in Austria is the Worthington Pump Co. The branch factory is the Worthington Pump Co., Vienna, Austria.

## DENMARK

The Ford Motor Co. and the General Motors International are reported as having branch factories in Denmark, but no information as to the name or location of the branch is given.

## CZECHOSLOVAKIA

The Vacuum Oil Co., of Kolin, Czechoslovakia, is the branch factory of an American concern. Lavine Co., Philadelphia, Pa., also has a branch factory in Czechoslovakia, but no information is available as to its name or location.

## NEW ZEALAND

The General Motors Corporation is reported as having a branch factory in New Zealand.

## BELGIUM

The following American firms are reported as having branch factories in Belgium. All the available information is listed below concerning these firms:

Gregg Co. (Ltd.), Hackensack, N. J. (location not reported); General Motors, Ford Motor Co., Chrysler Sales Corporation, Bell Telephone Manufacturing Co. (location not reported); American Radiator Co. (branch factory is National Radiator Co.; location not reported).

## FRANCE

<i>American company</i>	<i>Branch factory abroad</i>
International Harvester Co., Chicago, Ill.	Compagnie Internationale des Machines Agricoles, France.
Bissel Carpet Sweeper Co., Grand Rapids, Mich.	Etablissements Bissel, Paris, France.
The Norton Co., Worcester, Mass.	Compagnie des Meules Norton, Paris, France.
American Radiator Co.	Compagnie Nationale des Radiateurs, France.



*American company*

A. C. Spark Plug Co., Flint, Mich.

Boston Blacking Co.

B. F. Goodrich Co., Akron, Ohio.

Pyrene Manufacturing Co., Newark, N. J.

Worthington Pump &amp; Machinery Corporation, New York.

Hobart Manufacturing Co., Troy, N. Y.

Hoffman Pressing Machine Corporation, Syracuse, N. Y.

S. F. Bowser &amp; Co., Fort Wayne, Ind.

Otis Elevator Co., New York.

E. W. Bliss &amp; Co., Brooklyn, N. Y.

Aeolian Co., New York.

Lobdell Emery Mfg. Co., Alma, Mich.

Singer Sewing Machine Co. Kodak Co.

S. C. Brill &amp; Co., Philadelphia, Pa. Crane Co.

De Vilbris Mfg. Co., Toledo, Ohio.

Brunswick-Balke-Collender Co., Chicago, Ill.

O'Cedar Corporation.

New Home Sewing Machine Co., Orange, Mass.

A. Schrader's Son (Inc.).

North-East Electric Co., Rochester, N. Y.

In addition to the above, the following American concerns are also reported as having branch factories in France, but no further information regarding the location or name is available:

Ford Motor Co., Detroit, Mich.; Ingersoll-Rand, New York; Chicago Pneumatic Tool Co., New York; Richardson & Boynton, New York; Delco, Dayton, Ohio. (Branch factory located at Cannes, France.) Syracuse Washing Machine Corporation, Syracuse, N. Y.; Laundrette Mfg. Co., Cleveland, Ohio. (Plant for assembling at Paris.)

## EGYPT

The following American companies have branch factories in Egypt: Vacuum Oil Co., New York (branch factories at Cairo and Alexandria, Egypt); Ford Motor Export Co. (Inc.), Delaware (branch factory at Alexandria); and General Motors Corporation, New York (General Motors Near East Societe Anonyme, Alexandria, Egypt).

Turkey, Finland, Latvia, Rumania, and Switzerland are reported as having no American branch factories established there.

There is no list available of American branch factories in England.

## NETHERLANDS

The following American firms have branch factories in the Netherlands:

The Quaker Oats Co., New York (branch factory at Rotterdam), and Corn Products Refining Co., New York (branch factory at Sasvan-Cent).

## SOUTH AFRICA

The General Motors has a branch factory at Port Elizabeth, South Africa; the Ford Motor Co. a branch factory at Port Elizabeth, South Africa.

## CHINA

The only American firm reported as having a branch factory in China is Messrs. Anderson, Meyer & Co.

## JAPAN

The following firms are branches (in Japan) of American concerns: Ford Motor Co. of Japan (Ltd.), Yokohama, Japan; A. P. Munning & Co. (Ltd.), Kobe, Japan; General Motors of Japan (Ltd.), Osaka, Japan; Truscon Steel Co. of Japan (Ltd.), Kawasaki, Japan; Victor Talking Machine Co. of Japan (Ltd.), Yokohama, Japan; Japan Quartz Lamp Co. (Ltd.), Tokyo, Japan; Shibaura Engineering Co., Tokyo, Japan; Nippon Electric Co., Tokyo, Japan; Tokyo Electric Co., Kawasaki, Japan; and Cine Kodak Service of Japan (Ltd.), Osaka, Japan.

## JAVA

The following American firm and its branch factory (located in Java) has been reported to this office:

*American company*

General Motors Export Corporation, New York City.

*Branch factory abroad*

Societe des Bougies A. C. Titan, Levallois-Perret, Seine, France.  
Boston Blacking Co. (France), Montmagny, Seine, and Oise, France.

Societe Francaise B. F. Goodrich Colombes, Seine, France.

Etablissements Phillips & Pain, Paris, France.

Societe Francaise des Pompes & Machines, Worthington, Paris, France.

Compagnie Internationale Hobart Ivry Port, Seine, France.

Hoffman Pressing Corporation, Paris, France.

S. F. Bowser & Co., Paris, France.

Ateliere Otis Pifro, Paris, France.

E. W. Bliss Co., Paris, France.

The Aeolian Co., Paris, France.

Compagnie Franco Americaine des Jantes en Bois, Paris, France.

La Compagnie Singer, Paris, France.

Societe Anonyme Francaise, Kodak-Pathe, France.

Brill & Co., Paris, France.

Compagnie Crane, France.

S. A. de Vilbris, France.

La Compagnie Brunswick Francaise, France.

Etablissements O'Cedar.

Etablissements A. Rogalle, France.

A. Schrader's Son (Inc.), of France, Paris, France.

Societe Anonyme Francaise North-East, Paris, France.

## STRAITS SETTLEMENTS

The Firestone Tire & Rubber Co. is reported as having a branch factory in Singapore, Straits Settlements.

## PHILIPPINE ISLANDS

*American company*

Franklin Baker Co., Hoboken, N. J.

Spencer Kellogg &amp; Sons, Buffalo, N. Y.

Powis-Brown, New York City.

Feltman Bros. &amp; Hermel (Inc.), New York City.

Marshall Field &amp; Co., Chicago, Ill.

Manila Lingerie Corporation, New York.

Bardwill Bros., New York.

A. S. Iserson, New York.

Mallouk &amp; Bros., New York.

Salamy &amp; Baloutine, New York.

Shalom &amp; Co., New York.

*Branch factory abroad*

Franklin Baker Co. of the Philippines, Manila, P. I.

Spencer Kellogg & Sons, Manila, P. I.

Powis-Brown Corporation, Manila, P. I.

Feltman Bros. & Hermel (Inc.), Manila, P. I.

Marshall Field & Co., Manila, P. I.

Manila Lingerie Corporation, Manila, P. I.

Bardwill Bros., Manila, P. I.

A. S. Iserson, Manila, P. I.

Mallouk & Bros., Manila, P. I.

Salamy & Baloutine, Manila, P. I.

Shalom & Co., Manila, P. I.

## CHILE

*Branch factory abroad*

E. I. du Pont de Nemours & Co. (Inc.), Wilmington, Del.

Ford Motor Co., Detroit, Mich.

United States Steel Products Corporation.

Colgate's.

Colombia and Venezuela are reported as having no branch factories of American companies.

## AUSTRALIA

*American company*

Dearborn Chemical Co.

National Ammonia Co. of America, St. Louis, Mo.

Anderson Barngrover Manufacturing Co., San Francisco, Calif.

Branch of an American company manufacturing paper bags. No further information available.

General Electric Co., Schenectady, N. Y.

Warren Bros. Co., Boston, Mass.

Bowser & Co., S. F., Fort Wayne, Ind.

Cudahy Packing Co., Chicago, Ill.

Disston, Henry, & Sons (Inc.), Philadelphia, Pa.

Ford Motor Co., Detroit, Mich.

General Motors Corporation, Detroit, Mich.

Goodyear Tire & Rubber Co., Akron, Ohio.

Jantzen Knitting Mills, Portland, Oreg.

Johnson & Co., S. C., Racine, Wis.

Kellogg Co., Battle Creek, Mich.

Kraft Cheese Co., Chicago, Ill.

Life Savers (Inc.), Port Chester, N. Y.

Palmolive Co., Chicago, Ill.

Parke, Davis & Co., Detroit, Mich.

Pepsodent Co., Chicago, Ill.

Spalding & Bros., A. G., New York City, N. Y.

F. Stearns & Co., Detroit, Mich.

*Branch factory abroad*

Dearborn Chemical Co., Sydney, Australia.

Ammonia Co. of Australia, Sydney, Australia.

Austral Otis Andebar Cannery Equipment Pty. (Ltd.), South Melbourne, Victoria, Australia.

Bates (A'sia) (Ltd.), Sydney, Australia.

Australian General Electric Co. (Ltd.), Sydney, Australia.

Australian Roads (Ltd.), Sydney, Australia.

Bowser & Co. (Inc.), S. F., Waterloo, New South Wales, Australia.

Cudahy & Co. (Ltd.), Glebe, Sydney, Australia.

Disston, Henry, & Sons (Inc.), New South Wales, Australia.

Ford Motor Co. of Australia, Pty. (Ltd.), New South Wales (Sandown), Australia.

General Motors (Aust.), Pty. (Ltd.), Carrington Road, Sydney, New South Wales, Australia.

Goodyear Tyre & Rubber Co. (Aust.) (Ltd.), Sydney, Australia.

Jantzen Knitting Mills, Sydney, New South Wales, Australia.

S. C. Johnson & Son., Sydney, New South Wales, Australia.

Kellogg (Aust.), Pty. (Ltd.), Sydney, Australia.

Kraft Walker Cheese Co., South Melbourne, Victoria, Australia.

Life Savers Australasia (Ltd.), Sydney, Australia.

The Palmolive Co. (Australasia) (Ltd.), Sydney, New South Wales, Australia.

Parke, Davis & Co., Sydney, Australia.

Pepsodent Co. (Australia) (Ltd.), Sydney, New South Wales, Australia.

A. G. Spalding & Bros. (A'sia), Pty. (Ltd.), Sydney, Australia.

F. Stearns & Co., Sydney, New South Wales, Australia.

<i>Branch factory abroad</i>	<i>American company</i>
Stromberg Carlson Telephone Manufacturing Co., Rochester, N. Y.	Stromberg Carlson (A'sia), (Ltd.), Sydney, New South Wales, Australia.
Studebaker Corporation, South Bend, Ind.	Studebaker Corporation of Australasia (Ltd.), Rushcutters Bay, Sydney, Australia.
United States Light & Heat Corporation, Niagara Falls, N. Y.	United States Light & Heat Corporation (Aust.) (Ltd.), Sydney, Australia (New South Wales).
Vesta Battery Corporation, Chicago, Ill.	Vesta Battery Co. (Australia) (Ltd.).
Western Electric Co. (Graybar Electric Co.), New York City, N. Y.	Standard Telephones & Cables (A'sia) (Ltd.), Sydney, New South Wales, Australia.
Wrigley, Wm., & Co., jr., Chicago, Ill.	Wrigley's (Australasia) (Ltd.), Sydney, New South Wales, Australia.
Chamberlain Medicine Co., Des Moines, Iowa.	Chamberlains (Ltd.), Sydney, Australia.
Bristol Myers Co., New York City, N. Y.	Bristol Myers Co., Sydney, New South Wales, Australia.
W. T. Hanson Co., Schenectady, N. Y.	Dr. Williams Medicine Co., Sydney, Australia.

Our offices in India have reported there are no branch factories in that territory at present.

<i>American company</i>	<i>Branch factory abroad</i>
E. I. du Pont de Nemours & Co.	Cia. Mexicana de Explosivos, S. A., Mexico, D. F., Mexico.
Simmons Co., New York.	Branch factory at Monterrey, Mexico.
International Match Corporation.	Cia. Mexicana de Cerillos y Fofores, Mexico, D. F., Mexico.
Continental Mexican Rubber Co., New York.	Continental Mexican Rubber Co., Torreon, Mexico.
Crown Cork & Seal Co., Baltimore, Md.	Crown Cork & Seal Co. of Mexico, S. A., Mexico, D. F., Mexico.
Ford Motor Co., Detroit, Mich.	Ford Motor Co., S. A., Mexico City, Mexico.
Armand Co., Des Moines, Iowa.	Armand de Mexico, S. A., Mexico City, Mexico.
Larkin Co., Buffalo, N. Y.	Cia. Commercial "Herdez," Mexico City, Mexico.
Colgate & Co., New York City.	Colgate & Co., Mexico City, Mexico.
The Palmolive Co.	The Palmolive, S. A., Mexico City, Mexico.
U. S. A. Corporation, Chattanooga, Tenn.	Branch office in Mexico City, Mexico.
Hard & Rand.	Hard & Rand, Cordoba, Mexico.
Arbuckle Bros.	Arbuckle Bros., Cordoba, Mexico.
British-American Tobacco Co.	Cia. Manufacturera de Cigarros, Mexico, D. F., Mexico.
Wm. R. Warner & Co., New York.	Cia. Medicinal "La Campana," S. A., Mexico City, Mexico.
Mennen & Co.	No information as to location of branch.

The following companies are branch factories of American concerns in Mexico. No further information concerning them is given:

International Sash & Door Co., Nuevo Laredo, Mexico; American Distributing Co., S. A. Mexico City, Mexico; and Reuter-Barry de Mexico, S. A. Mexico City, Mexico.

#### PORTO RICO

The Enegletaria Medicine Co., of New York, has a branch factory in Porto Rico (the Enegletaria).

#### PERU

The Sydney Ross Co., of New Jersey, has a branch factory at Arequipa, Peru.

#### URUGUAY

The Ford Motor Co., of Detroit, Mich., is reported as having a branch factory in Uruguay.

#### ARGENTINA

<i>American company</i>	<i>Branch factory abroad</i>
Portland Cement Co.	Cia. Arg. de Cemento Portland, Buenos Aires, Argentina.
Swift & Co., Chicago, Ill.	Frigorifico Swift, Buenos Aires, Argentina.
Armour & Co., Chicago, Ill.	Frigorifico Armour, Buenos Aires, Argentina.
Wilson & Co., Chicago, Ill.	Frigorifico Wilson, Buenos Aires, Argentina.
Ford Motor Co., Detroit, Mich.	Ford Motor Co., Buenos Aires, Argentina.

<i>American company</i>	<i>Branch factory abroad</i>
General Motors Corporation, Detroit, Mich.	General Motors, Buenos Aires, Argentina.
Scott & Bowne (Inc.).	Scott & Bowne (Inc.) of Argentina, Buenos Aires, Argentina.
Victor Talking Machine Co.	Victor Talking Machine Co., Buenos Aires, Argentina.
Walk-Over Shoe Co.	Walk-Over Shoe Co., Buenos Aires, Argentina.
Sydney Ross & Co.	Cia. Arg. Sydney Ross (Inc.), Buenos Aires, Argentina.
Newark Shoe Co.	Newark Shoe, Buenos Aires, Argentina.
Standard Oil Co.	Cia. Nacional de Petroleos, Buenos Aires, Argentina.
National Lead Co.	National Lead Co., Buenos Aires, Argentina.

#### BRAZIL

The following American companies have been reported as having branch factories in Brazil:

Wilson & Co. (Inc.) (Cia. Wilson); General Motors Corporation (General Motors of Brazil); Ford Motor Co. (Ford Motor Co. Exports (Inc.)); Sparks Milling Co. (Starks Milling Co. of Brazil); Armeo International Corporation; Swift Co. (Cia. Swift); Armour Co. (Armour of Brazil, Corp.); Continental Products Co.; Brunswick-Balke-Collender Co. (Cia. Brunswick do Brazil); General Electric Co.; Universal Pictures (Universal Pictures do Brazil); Columbia Phonograph Co.; Auto-Strop Safety Razor Co.; Dennison Manufacturing Co.; Kolyanos Co.; S. S. White Dental Manufacturing Co.; Middletown Car Co.; Scott & Bowne; Parke, Davis & Co.; Sydney Ross Co.; and Otis Elevator Co.

#### EXHIBIT C

AMERICA'S WAGE EARNERS' PROTECTIVE CONFERENCE,  
New York City, June 2, 1930.

To the Members of the Congress.

HONORABLE SIRS: The protest of Henry Ford against the passage of the pending tariff bill can not go unchallenged. The organized workers view with apprehension the statements of employers in some lines attacking tariff legislation, which is needed for the protection of the workers. American labor is closely scrutinizing these declarations to learn the possible motives which underlie these attacks.

American workers view with some suspicion the attacks made upon the tariff measure which had its inception in the promise of both political parties to adopt legislation which would adequately protect American labor. We look upon the protests of those Americans who own large factories in foreign countries as an effort to obtain favorable newspaper comment in the foreign and American press, having the effect of so much advertising, and those interviewed seeking to ingratiate themselves with the foreign governments and peoples.

Evidences of this type of activity on the part of persons interested in foreign commerce were given during the hearings on the tariff bill before the committees of Congress, particularly in the case of automobiles; yet extending into other lines of production. The establishment by Ford of a tractor plant in Cork, Ireland, and the manufacturing of tractors abroad for shipment to the United States was discussed at the hearings. Nothing was said at that time of the intention of Henry Ford to produce tractors in Cork at a cost of less than 60 per cent of what the cost would be in America and to close down his American tractor plants.

Possibly the public are not aware of the fact that Ford, through a ruling of the Treasury Department that tractors are agricultural implements, secures the entry of these tractors and tractor parts, produced by foreign workers, without the payment of any tariff duty. In addition to the importation of tractors and tractor parts, Ford is also a large importer of other commodities which enter into the making of automobiles.

The international bankers and importers, partially through their desire to further their selfish interests and partially to cater to the desires of those in control of foreign markets, have been conducting an insidious campaign to make the American people believe that we should reduce our tariff rates or, better still, eliminate our tariff altogether.

Behind this campaign is either a desire to force American workers to the same level of low-living conditions as exists in European countries, or a total disregard for the well-being of America's wage earners.

Ford, in his protest, suggests that while it is good policy for America to retain restrictive-immigration legislation, we should open our gates to the products of the same workers who, he advocates, should be denied entry. Is this either logical or fair?

American labor favors the retention and the strengthening of our immigration laws and consistently advocates the placing of tariff duties on the products of those foreign workers, who, we deny entry to, which will at least equal the difference in costs of production.

The sincerity of Ford's Americanism was indicated a few years ago when he deliberately, in order to add additional riches to the Ford estate, destroyed the employment opportunities of from 6,000 to 10,000



workers in Detroit by removing his tractor plant to Europe. Ford, in a recent statement, is credited with the statement that his cost of production at Cork was only 60 per cent of what the same tractors would cost with American labor at Detroit.

The fairness of the ruling of the Treasury Department permitting free entry of Ford tractors as agricultural implements might well be questioned. So far as we know, the farmers do not receive in reduced prices the benefits of either the lower wage costs nor do they receive the benefits of some \$150 in tariff duties per tractor which Ford saves through the favorable ruling of the Treasury Department.

Is a tractor used in hauling cement or brick or other commodities through city streets an agricultural implement?

A few months ago, while legislation was pending before the Congress which would deny monopolistic privileges to holders of American patent registration who produced the goods so protected in foreign countries, Ford issued a statement to the effect that Ford tractors were being produced in Ireland for American consumption only as a temporary measure, and that it was not the intention to import into America the products of his European company.

The tariff conferees complied with the request of Ford and the other Americans who, finding it more profitable to manufacture the goods in foreign countries of which they have a monopoly in the American market through American patent registration, and have rejected a provision which is all important to American workers.

The tariff conferees claim that they did not know that during the year 1929 almost 70 per cent of the entire production of Ford's European tractor plant was shipped into America free of any duty.

Ford's millions have been built upon the prosperity of America. With the saturation point having been reached in America for automobiles, Ford seeks to add additional millions to his holdings by selling their product in foreign countries.

In so doing, however, Ford does not seek to help the unemployment situation in his own country. Additional riches are the motto—not the relief of his fellow countrymen.

After having carefully surveyed the foreign markets, and realizing the cheapness of foreign labor, Ford either purchased or erected automobile plants for the purpose of supplying the foreign market in foreign countries and, to an increasing extent, the American market.

In passing it might be well to bear in mind that the Ford family only a short time ago became heavily interested in the securities of the German Chemical Trust, a concern which, through its control of American chemical patents and trade-marks prior to the World War, had stifled the American chemical industry.

Ford's protest is but another sign of the desperate plight which American capitalists who, with millions of American dollars invested in foreign countries, in order to curry favor with those in control find it convenient to embarrass their own countrymen in order to safeguard their foreign investments.

If the wages and living conditions of American workers are to be preserved, let alone improved, Congress can well afford to look to those Americans who have indicated their sincere interest in the welfare of their country by investing their money in America rather than those who have taken their profits received from the American purchasing public and used them to destroy American industries.

On behalf of American workers we ask you to pass tariff legislation which will safeguard the employment opportunities of American workers.

Sincerely yours,

MATTHEW WOLL, President.

#### EXHIBIT D

##### A METHOD PROPOSED TO TAKE THE TARIFF OUT OF POLITICS

[Speech of Hon. ROSCOE C. McCULLOCH, June 23, 1916. The House in Committee of the Whole House on the state of the Union had under consideration the bill H. R. 15836, the sundry civil bill]

##### A method proposed to take the tariff out of politics

Mr. McCULLOCH. Mr. Chairman, \* \* \* I think that it is fair for me to say at the outset that I believe in the protective-tariff principle as a legitimate policy of government. I believe that in view of our development and standard of living a protective tariff is absolutely necessary if we are to maintain prosperity in normal times and the higher wages paid in this country as compared with the lower wages paid abroad. However, while I believe in protection, I do not believe in high protection, but reasonable and fair protection. I believe that rates of duty should be fixed so as to equalize the differences in the cost of production at home and abroad as nearly as they can be determined, and I am opposed to adding to the foregoing provision "plus a reasonable profit." I am opposed to the Government guaranteeing profits, or attempting to do so, whether large or small, by protective-tariff rates of duty. If the American manufacturer and producer is placed upon an equal basis with the foreign manufacturer and producer, that is all he ought to ask from the Government in the way of protection, for the question of profit will take care of itself. The foreigner can not do business successfully without profit any more than the American manufacturer can afford to do so. The question of profit, therefore, is legitimately one of competition.

The propositions which I shall present will probably not meet the approval of the high protectionists. They certainly will not meet the approval of the free trader, nor of those who believe in tariff for revenue only; but they should meet the approval of those who believe in a just, equitable, sound, and reasonable protective tariff.

##### Prompted by experience

I feel that it is but fair to the House and to myself to say that I would not attempt a discussion of this subject, important and broad as it is, if it were not for the fact that I have had some practical experience in dealing with the subject, not as a Member of this body but from the outside. I mention this in order that the House may consider what I may have to say somewhat in the light of that experience, and that Members may have some idea of how some persons on the outside of this Chamber view the method and manner in which this tariff question has been handled by Congress. Since 1908 I appeared before the Ways and Means Committee and the Finance Committee of the Senate each time the tariff was up for consideration and public hearings were had, presenting briefs and arguments in regard to certain paragraphs, and I want to say that it was a marvel to me that such an important business proposition so vital to the welfare of all the people of this country should have been handled in such an unbusinesslike manner as the tariff was handled by Congress. [Applause on the Republican side.] No one would think of deciding a lawsuit on the testimony of the parties in interest alone if it were possible to secure unbiased and impartial testimony. Yet in considering the tariff question those who made up the record of information and evidence were the parties in interest—the American manufacturer on the one side and the importer and foreign manufacturer on the other side, volunteer witnesses in many cases testifying without being sworn. I hope I may be pardoned for saying that to me the hearings were farcical and the results in many instances deplorable. [Applause on the Republican side.]

So long as the tariff question is in politics, and it will be in politics just so long as the tariff policy of this country is settled by platform pledge and not by law, tariff rates of duty will be fixed as a result of pull and political influence, vote trading, logrolling, and wirepulling rather than by a consideration of the facts and conditions upon which just and equitable rates should be determined and fixed.

##### Opposes the system

My attack—or my objection, to put it milder—is against the system, or the method that has been followed in dealing with this great subject. So long as this system remains, Members of Congress are to be excused for endeavoring to secure for their constituents the best possible rates of duty, and I have observed that the most ardent advocates of a tariff for revenue only or free trade are sometimes the most aggressive champions of protection for the industries in their own districts, although against protection for everybody else; and as long as the tariff question remains in politics rates of duty will be fixed largely upon political influence. I think the time has come when the system should be changed and the tariff taken out of politics and rates of duty fixed in accordance with some just and equitable standard which will insure adequate protection to all. I shall not presume to hope that my poor efforts will bring it about, but I feel that it is my duty to present my views frankly and honestly, with the hope that in the future, if not in the present, some good may be accomplished.

##### Strong believer in tariff commission

It is because of the injustice that has resulted and is bound to result from ex parte proceedings that has made me a strong believer in a tariff commission, or in any body that will secure accurate and impartial information which can be used in fixing tariff rates of duty; and while I am in favor of a commission for that reason, and shall probably support and vote for the tariff commission provided in the bill now under consideration by the House, yet I feel that the commission provided for in the Rainey bill would fall far short of meeting the situation. I feel that it is a commission advocated for political expediency; that it is not intended to accomplish the big, broad, and important results that the people hope may be accomplished by a tariff commission, namely, the fixing of tariff rates of duty scientifically, equitably, and justly. I believe that if the Rainey bill is passed in its present form, the same conditions which have confronted us will continue and that the individual interests of the constituents of Members of Congress will still be paramount in the fixing of rates; that the tariff will still be in politics; and that the old logrolling, vote-trading, wirepulling methods will continue.

##### Favors immediate revision of tariff

Before I state my propositions I want to say that I believe that the first step that should be taken should not be the creation of a tariff commission, but an immediate revision of the tariff along protective tariff lines, and then after the tariff is revised the commission should be created and proceed with its investigations, making readjustments and changes as the necessities may arise. I believe that the tariff should be revised immediately, because I regard the Underwood tariff law as destructive and clearly in the interests of the foreign producer. I believe that in normal times, if it remains in operation, it will result



disastrously to all the people of this country and bring on depression and hard times, and especially do I believe that will be true when the European war is over.

But our friends on the other side of the Chamber have declared in their platform adopted at St. Louis last week that—

"We reaffirm our belief in the doctrine of a tariff for the purpose of providing sufficient revenue for the operation of the Government economically administered and unreservedly indorse the Underwood tariff law as truly exemplifying that doctrine."

Therefore, the only hope of those who believe that the Underwood law has been a failure and would be dangerous in normal times is that there may be a revision of the tariff after March 4 next along protective tariff lines by a Republican Congress.

#### *A settled tariff policy*

The bill I introduced providing for the creation of a tariff commission contains four sections in addition to the provisions of the Rainey bill as originally introduced. Sections 1 and 2 of my bill are the same as sections 1 and 2 of the Rainey bill and create a tariff commission composed of six members and provide for their appointment and their compensation. The sections also provide for the organization of the commission.

Section 3 of my bill, which is a new section, provides—

"SEC. 3. Tariff rates of duty on all articles imported from any foreign country into the United States, except as hereinafter provided, which articles come into competition with the same kind or similar articles manufactured in the United States, shall be fixed at an amount equal to the difference in the cost of the production of said articles in the United States and said foreign countries as nearly as it is possible to determine that difference; said difference to be computed by taking into consideration—

"First. Relative labor cost.

"Second. The relative material cost.

"Third. Relative capital investment necessary.

"Fourth. Relative fixed charges and overhead expense.

"Fifth. Industrial and trade conditions and relative labor efficiency."

Should this section be adopted and made a part of the law it would settle until repealed the tariff policy of the country. Until there is a settled tariff policy provided by law the tariff question will remain in politics and in all presidential campaigns be one of the most important if not the paramount issue; and after each presidential election the tariff will in all probability be revised, and the same uncertainty which has existed in regard to the tariff during all these years will continue.

#### *How to take the tariff out of politics*

The first step, therefore, necessary to be taken in order to get the tariff out of politics is to provide a definite tariff policy by act of Congress. So long as the tariff policy of this country remains only a platform or party pledge, the uncertainty in regard to the tariff which has held back the industries of this country for half a century will continue.

Section 3, which I propose, has two advantages: First, if adopted it will take the tariff out of politics; second, it provides for a just and equitable tariff policy. To equalize the difference in the cost of the production of articles at home and abroad, as the section provides, placing the American manufacturer on an equal basis with the foreign manufacturer, is, to say the least, fair. If rates of duty are fixed on a basis that will equalize the difference in American and foreign costs, they will protect the American wage earner and the high wages paid in this country as compared with wages paid in foreign countries and enable the American manufacturer to hold the American market, providing he is content with a reasonable profit. It will prevent the foreign manufacturer and producer from underselling the American manufacturer and producer in our own market because of the lower cost of production abroad. It is all the honest American manufacturer ought to ask for, and this Government should not do less in protecting American industries, American enterprises, and American institutions against foreign competition. My proposition is that the tariff policy of this country should be determined by Congress and not alone by party platform pledge; and if it is possible for parties to carry out tariff policies such as are promised in the planks of their platforms it is possible for the Congress of the United States to settle the question by statute law.

The agitation for a nonpartisan Tariff Commission has resulted from and is based upon the growing sentiment of the people, the manufacturers, the business men, and the laboring men that the tariff question be settled. The people will not stand much longer for the tariff being made the football of politics, especially after they know that there is a remedy within the power of the Congress of the United States. It is the most important business proposition with which Congress has to deal, and has a more far-reaching effect upon the individual welfare, happiness, and prosperity of the people than any other measure. Any mistakes in regard to the tariff will cause more widespread disaster, suffering, and hardship than mistakes in regard to any other question, and no man charged with responsibility who hesitates to do his duty in dealing with this important question, or who bows to party advantage

which it may be claimed will be gained by this question remaining unsettled, will be able long to retain the confidence of his constituents and those whom he represents.

#### *Commission to calculate rates*

Having created the commission by sections 1 and 2 and determined the tariff policy of the country by section 3, I add to my bill a section which I designate section 4, providing that the commission shall carry into effect the tariff policy of the country as determined by section 3 by fixing and promulgating the rates of duty.

Section 4 provides:

"SEC. 4. That it shall be the duty of said commission to proceed at once to investigate and determine the difference in the cost of production of the articles named in the paragraphs in the several schedules of the existing tariff law and to arrive as speedily as possible at their conclusions as to the amount of rate or rates in each particular case or item which will be necessary to equalize the difference in the cost of production of the said article or articles in the United States and foreign countries; and said commission shall have the power to issue an order changing the existing rate or the rate then existing so as to make it conform to the conclusion reached by said commission as to the amount which will equalize said difference; but in no case shall said rate so fixed be less than said difference so determined; and upon the issuing of said order said rate shall be the amount of the tariff duty which shall be paid before any such article shall be cleared at the customhouse and received into this country. The orders of said commission shall be promulgated and proper notice given the customs officers throughout the United States and shall be effective from the date named by said commission: *Provided*, That every rate so adjusted by the commission shall at all times be subject to change on modification by Congress: *Provided further*, That said commission shall not fix rates of duty or issue any order or orders fixing rates of duty on the following-named class of articles, but such rates of duty shall be fixed by Congress: Tobacco and articles manufactured in whole or in part therefrom; spirituous and vinous liquors and all articles which come within this classification of luxuries. The commission shall not issue any order or orders or fix any rates of duty on or in regard to articles which do not come into competition with similar articles manufactured in the United States, but such rates of duty shall be fixed by Congress."

Section 4, providing that the Tariff Commission shall have the power to investigate in this country and abroad American and foreign costs and calculate the rates of duty on all competitive articles, except only tobacco, liquors, and luxuries, and promulgate the rates of duty which will equalize the difference in the cost of production at home and abroad on the various articles enumerated in the paragraphs and schedules of the then existing tariff law, will insure the prompt and efficient carrying out of the policy provided in section 3 and relieve Congress of the fixing of tariff rates of duty on these competitive articles. Sections 3 and 4, should they be enacted into law, will stop the logrolling, vote trading, and wirepulling which has characterized the enactment of every tariff law since the beginning of this Government. They will insure that tariff rates of duty will be fixed equitably, and that the procedure will be free from politics. They will create confidence in the minds of people in our tariff system, and will remove the prejudice that has heretofore existed in regard to protective tariff rates of duty. The protective tariff system will be regarded as a legitimate policy of government which safeguards the welfare and prosperity of all the people, instead of being regarded as a graft system being used in the interests of the special interests and the capitalists.

That politics and pull have entered into the fixing of tariff rates of duty by both the Democrats and Republicans is beyond question or argument. That the special interests have secured special favors from both Democrats and Republicans has been a common charge which has been sustained in the opinion of many by the facts. Sections 3 and 4 will eliminate all this and be a godsend to the country.

#### *Objections advanced to plan*

There have been two objections which I regard worthy of consideration urged against these two sections:

First. That these sections would be unconstitutional as being a delegation of legislative power; and

Second. That Congress should not give up its powers, even though it could do so constitutionally, but should retain and hold to itself the right to fix rates of duty, and not delegate that executive power to a commission.

#### *First objection*

I shall put in the RECORD, in connection with my remarks, a brief summarizing the decisions in regard to the delegating of legislative powers. But for the purpose of my argument in favor of these sections and their constitutionality, I desire to call attention at this time to but one decision, which, in my judgment, states the rule:

"The general rule as to the delegation of power has been expressed by the Supreme Court of the United States, speaking through Mr. Justice Day, as follows:

"The Congress may not delegate its purely legislative power to a commission, but, having laid down the general rules of action under



which a commission shall proceed, it may require of that commission the application of such rules to particular situations and the investigation of facts with a view to making orders in a particular matter within the rules laid down by the Congress."

The policy fixed by section 3, it being determined by law that tariff rates of duty must be fixed on competitive articles so as to equalize the difference in the cost of production at home and abroad, the duty is left to the commission to effectuate the legislative policy declared in the statute. The commission has no option in the matter, but it must calculate the rates and promulgate them, a duty which is only ministerial or executive, as will be shown by the brief I shall place in the RECORD. The right of Congress to delegate this power or authority is sustained by a number of decisions of the Supreme Court of the United States, and it does not amount to a delegation of legislative power or authority.

#### *Second objection*

In regard to the second objection which has been raised that Congress should not give up its powers, I have only this to say, that it is a short-sighted statesmanship that refuses to hear to a proposition which will benefit the whole people; which will settle in a businesslike way the most important business proposition with which Congress has to deal; which will result in just and equitable rates of duty being fixed; that will settle and remove the uncertainty which has existed in regard to the tariff during all these years because Congress would have to give up some power. It would seem to me to be the part of wise statesmanship and patriotic public duty to be willing to forego a little power in order to accomplish such important and far-reaching results. For myself I am willing, in the interests of the people, the laboring man, the business man, and the manufacturer, to give up a little power in order that they all may be helped and the country at large may have the benefits which will result from a settled protective-tariff policy in this country. I know that these sections will take away from my party its strongest and greatest issue, because the Republican Party is right upon the tariff question. The principle of protection will prevail because any other principle, such as tariff for revenue only or free trade, as history has shown, always results disastrously to the business of the country. But I am willing to give up that issue, and I believe that the Republican Party is big enough and broad enough to be willing to give up that issue in the interests of our common country.

#### *Support hoped for*

These sections should have the approval and support of Republicans generally, because they write into the statute law of the land the protective-tariff principle. I have ventured to hope that they might have the support at least of northern Democrats, who have come to believe that a fair and honest and just protection is necessary to our prosperity, those who are willing to abandon a theory and face the cold, hard facts that rates of duty that are less than the difference in the cost of production at home and abroad must either result in reduced wages to American workmen or loss of business to American enterprise. I have entertained no hope that the theoretical Democrat, without practical experience, who believes in tariff for revenue only or free trade, would accept my views, but practical northern Democrats, living in industrial communities and in the environment of industrial activity, should be able to see the practical side of this question; and I had ventured to hope that some such might be willing to support a fair proposition, even though it means writing into the law of the land the protective-tariff principle.

The fact that the administration has recommended and a Democratic majority has reported a bill creating a tariff commission at first seemed to me an abandonment on the part of the Democratic Party of the tariff-for-revenue-only theory, because a tariff board is absolutely unnecessary in carrying out a tariff-for-revenue-only policy. But the fact that in the Democratic platform adopted at St. Louis the old tariff-for-revenue-only theory was reaffirmed and the Underwood tariff law indorsed can only mean that the recommendation of a tariff board by the Democratic majority is done for the purpose of political expediency. But while the theory of the party is for a tariff for revenue only, yet I am convinced that a large percentage of the rank and file of the party and of the membership on this floor are for equalizing the difference in the cost of production of articles at home and abroad, whether you call that protection or use some other name; and it is because of that fact that I have ventured to hope that my position and my proposition might be supported, not only by Members upon this floor on the other side of the Chamber but be approved by the people of the country generally, regardless of their party affiliations.

#### *Put teeth in the bill*

Section 5 of my bill should be adopted by those who desire to make the commission effective, even though my sections 3 and 4 be rejected.

Section 5 provides:

"SEC. 5. In connection with the investigations of the commission of the relative cost of production of said articles in the United States and foreign countries said commission shall have the power to conduct its investigations in foreign countries by sending its members or its agents into any foreign country for said purpose, and the commission shall have the power to issue an order refusing admission into this country

of the goods, wares, or merchandise of any foreign manufacturer, or goods, wares, or merchandise manufactured in any foreign country should said manufacturer, the exporter, or the importer thereof, or his or its agents, refuse to furnish said commission with the information or facts requested by the commission, or should said foreign manufacturer refuse to furnish the commission with or to produce any books, papers, or documents relating to any matter pertaining to such investigation, or should any of the officers or agents of said manufacturer, importer, or exporter refuse to appear and testify under oath and give the evidence required by the commission in making its investigations: *Provided*, That said order refusing the admission of the goods of any foreign manufacturer, or goods from any foreign country, shall only become effective after the President of the United States has issued a proclamation approving the order of the commission. When any such order of the commission has been approved by the President of the United States and his proclamation has been issued, said order shall be placed in the hands of the proper customs officers by the commission and become effective as of the date determined by the commission and remain effective until the same is canceled by the order of the commission. Said order of cancellation shall also be approved by the President of the United States and shall only become effective on his proclamation."

Those who are in favor of a tariff commission, if they are sincere, should not refuse to make it an effective instrument for accomplishing the results for which it is intended. Right here I desire to say again that in my opinion the man who says he believes that a tariff commission is necessary in fixing tariff rates of duty for revenue only either does not know what he is talking about or he is trying to fool somebody. You do not need to know anything about the relative cost of articles in America and European countries if all you want to do is to fix rates of duty for the purpose of revenue only. All you need to know in fixing revenue rates is how much revenue a rate will probably yield. But accurate information is necessary in fixing tariff rates for the purpose of protection, and in order not to injure American industry and that the American wage may be maintained. To accomplish this you need information not only in regard to American costs but you must have information in regard to foreign costs. What will it benefit the American producer and how will it aid the American Congress in fixing protective rates of duty to have only one side of the proposition, to know only about the American costs?

The Rainey bill, should it be enacted into law as it now stands, will only serve to disturb American industry and American business and to harass American business men by examining their books, and will get no results that amount to anything. We have enough commissions now that only disturb business without accomplishing any real good. We have enough commissions that provide soft berths for politicians and others and do no real service. The tariff commission, to be effective, must have the power to get foreign costs, and there is no provision in the Rainey bill for getting foreign costs in an effective way. Section 5 would put teeth into the Rainey bill and, should it be adopted, it will result in the commission having the power to get information in regard to foreign costs which will enable it to make its calculations as to the rates of duty that will equalize the difference in the cost of production at home and abroad. In order that no treaty arrangements may be violated by an order refusing to permit the goods to come into this country, as provided in section 5 of the country that refuses to give the commission information as to foreign costs, section 5 provides that the order shall not be issued except on the proclamation of the President of the United States. The President without doubt would make a thorough investigation of treaty arrangements and international relations before issuing such a proclamation which would safeguard us against any undue discriminations which might otherwise result from such an order.

#### *Section 5 constitutional*

The decisions I have referred to and which are summarized in the brief I shall put in the RECORD settles, in my opinion, the constitutional power of Congress to delegate the executive authority provided in section 5 to the commission and the President. The only reason that anyone might have for refusing to incorporate into the Rainey bill section 5 is that it is not desired to make the commission an effective instrument for the purpose for which it is intended and to fool the people of this country into believing that this Congress is doing something that will relieve this tariff situation when they are only further complicating an already complicated system.

#### *Hearings provided for*

My section 6 provides:

"SEC. 6. The commission shall in its discretion grant hearings to any American or foreign manufacturer, his or its agents or representatives, or to any person or organization upon a proper showing being made to said commission that the facts to be presented to the commission are material and would assist the commission in arriving at a proper conclusion in regard to any matter it has under consideration or is investigating, or in regard to any rate fixed by said commission.

"Said hearings shall be held at such places and be subject to such rules as the commission shall determine. At such hearings any person may appear before the commission, subject to such reasonable limitation



upon the amount of and duplication of testimony and arguments or may be represented by an attorney or attorneys, and may file any written statement or documentary evidence bearing upon any matter which the commission may have under investigation or in regard to any rate fixed. Every vote and official action of the commission and of every member thereof shall be entered of record."

Section 6, providing for hearings, will insure to the American and the foreign manufacturer an opportunity of appearing before the commission and be heard in regard to the fixing of rates of duty, and while I do not regard it as so important a section as sections 3, 4, and 5, yet it will insure to those interested an opportunity to bring before the commission any facts and figures which will enable it to fix its tariff rates of duty equitably and justly.

#### Other sections

The other sections of my bill are the same as the Rainey bill as originally introduced.

#### Conclusion

In conclusion I desire to say that I have endeavored to show and to present a practical method for taking the tariff out of politics and for settling the tariff question by statute law. I believe that the sections which I have proposed would be constitutional if enacted, that the method is sound, and that should these sections be adopted they will accomplish all that I claim for them.

I believe confidently that the great mass of our people desire this tariff question settled, and that they will not approve of any capacious arguments advanced in opposition to the question being settled. Even though my various propositions are not accepted at this time, yet I remain confident in the belief that the day will come when they will be accepted, and if I do nothing more on the tariff during my term in Congress than to leave the germ of the thought that the provisions of my bill contain, namely, that this question can be settled by law and should be settled by law, I will feel that I have accomplished a great deal.

#### EXHIBIT E

EXCERPTS FROM THE OPINION DELIVERED BY MR. CHIEF JUSTICE TAFT IN THE CASE OF J. W. HAMPTON, JR., & CO. v. UNITED STATES. DECIDED APRIL 9, 1929

The Federal Constitution and State constitutions of this country divide the governmental power into three branches. The first is the legislative, the second is the executive, and the third is the judicial, and the rule is that in the actual administration of the Government Congress or the legislature should exercise the legislative power, the President or the State executive, the governor, the executive power, and the courts or the judiciary the judicial power, and in carrying out that constitutional division into three branches it is a breach of the national fundamental law if Congress gives up its legislative power and transfers it to the President or to the judicial branch, or if by law it attempts to invest itself or its Members with either executive power or judicial power. This is not to say that the three branches are not coordinate parts of one government and that each in the field of its duties may not invoke the action of the two other branches in so far as the action invoked shall not be an assumption of the constitutional field of action of another branch. In determining what it may do in seeking assistance from another branch, the extent and character of that assistance must be fixed according to common sense and the inherent necessities of the governmental coordination.

The field of Congress involves all and many varieties of legislative action, and Congress has found it frequently necessary to use officers of the executive branch within defined limits to secure the exact effect intended by its acts of legislation, by vesting discretion in such officers to make public regulations interpreting a statute and directing the details of its execution, even to the extent of providing for penalizing a breach of such regulations. *United States v. Grimaud* (220 U. S. 506, 518), *Union Bridge Co. v. United States* (204 U. S. 364), *Buttfield v. Stranahan* (192 U. S. 470), *In re Kollock* (165 U. S. 526), *Oceanic Navigation Co. v. Stranahan* (214 U. S. 320).

Congress may feel itself unable conveniently to determine exactly when its exercise of the legislative power should become effective, because dependent on future conditions, and it may leave the determination of such time to the decision of an executive, or, as often happens in matters of State legislation, it may be left to a popular vote of the residents of a district to be affected by the legislation. While in a sense one may say that such residents are exercising legislative power, it is not an exact statement, because the power has already been exercised legislatively by the body vested with that power under the Constitution, the condition of its legislation going into effect being made dependent by the legislature on the expression of the voters of a certain district. As Judge Ranney, of the Ohio Supreme Court, in *Cincinnati, Wilmington & Zanesville Railroad Co. v. Commissioners* (1 Ohio St. 77, 88), said in such a case:

"The true distinction, therefore, is between the delegation of power to make the law, which necessarily involves a discretion as to what it shall be, and conferring an authority or discretion as to its execution, to be exercised under and in pursuance of the law. The first can not

be done; to the latter no valid objection can be made." (See also *Moers v. Reading*, 21 Penn. St. 188, 202; *Locke's Appeal*, 72 Penn. St. 491, 498.)

Again, one of the great functions conferred on Congress by the Federal Constitution is the regulation of interstate commerce and rates to be exacted by interstate carriers for the passenger and merchandise traffic. The rates to be fixed are myriad. If Congress were to be required to fix every rate, it would be impossible to exercise the power at all. Therefore, common sense requires that in the fixing of such rates, Congress may provide a commission, as it does, called the Interstate Commerce Commission, to fix those rates, after hearing evidence and argument concerning them from interested parties, all in accord with a general rule that Congress first lays down, that rates shall be just and reasonable considering the service given, and not discriminatory. As said by this court in *Interstate Commerce Commission v. Goodrich Transit Co.* (224 U. S. 194, 214):

"The Congress may not delegate its purely legislative power to a commission, but, having laid down the general rules of action under which a commission shall proceed, it may require of that commission the application of such rules to particular situations and the investigation of facts, with a view to making orders in a particular matter within the rules laid down by the Congress."

It is conceded by counsel that Congress may use executive officers in the application and enforcement of a policy declared in law by Congress, and authorize such officers in the application of the congressional declaration to enforce it by regulations equivalent to law. But it is said that this has never been permitted to be done where Congress has exercised the power to levy taxes and fix customs duties. The authorities make no such distinction. The same principle that permits Congress to exercise its rate-making power in interstate commerce, by declaring the rule which shall prevail in the legislative fixing of rates, and enables it to remit to a rate-making body created in accordance with its provisions the fixing of such rates, justifies a similar provision for the fixing of customs duties on imported merchandise. If Congress shall lay down by legislative act an intelligible principle to which the person or body authorized to fix such rates is directed to conform, such legislative action is not a forbidden delegation of legislative power. If it is thought wise to vary the customs duties according to changing conditions of production at home and abroad, it may authorize the Chief Executive to carry out this purpose, with the advisory assistance of a Tariff Commission appointed under congressional authority. This conclusion is amply sustained by a case in which there was no advisory commission furnished the President—a case to which this court gave the fullest consideration nearly 40 years ago. In *Field v. Clark* (143 U. S. 649, 680), the third section of the act of October 1, 1890, contained this provision:

"That with a view to secure reciprocal trade with countries producing the following articles, and for this purpose, on and after the 1st day of January, 1892, whenever, and so often as the President shall be satisfied that the government of any country producing and exporting sugars, molasses, coffee, tea, and hides, raw and uncured, or any of such articles, imposes duties or other exactions upon the agricultural or other products of the United States, which in view of the free introduction of such sugar, molasses, coffee, tea, and hides into the United States he may deem to be reciprocally unequal and unreasonable, he shall have the power and it shall be his duty to suspend, by proclamation to that effect, the provisions of this act relating to the free introduction of such sugar, molasses, coffee, tea, and hides, the production of such country, for such time as he shall deem just, and in such case and during such suspension duties shall be levied, collected, and paid upon sugar, molasses, coffee, tea, and hides, the product of or exported from such designated country as follows, namely:—"

Then followed certain rates of duty to be imposed. It was contended that this section delegated to the President both legislative and treaty-making powers and was unconstitutional. After an examination of all the authorities, the court said that while Congress could not delegate legislative power to the President this act did not in any real sense invest the President with the power of legislation, because nothing involving the expediency or just operation of such legislation was left to the determination of the President; that the legislative power was exercised when Congress declared that the suspension should take effect upon a named contingency. What the President was required to do was merely in execution of the act of Congress. It was not the making of law. He was the mere agent of the law-making department to ascertain and declare the event upon which its expressed will was to take effect.

#### EXHIBIT F

A PROPOSED SUBSTITUTE FOR SECTION 336 OF H. R. 2867 (RELATING TO FLEXIBLE TARIFF)

That section 315 of the tariff act of 1922 is amended to read as follows:

"SEC. 315. (a) The United States Tariff Commission on its own motion or on application of any interested party showing good and sufficient reason therefor shall make an investigation for the purpose of



ascertaining the differences in the cost of production of any domestic article and of any like or similar foreign article. In the course of the investigation the commission shall hold hearings and give reasonable public notice thereof and reasonable opportunity for the parties interested to be present, to produce evidence, and to be heard. The commission is authorized to adopt such reasonable rules of procedure as it may deem necessary to execute its functions under this section.

"(b) If the commission finds it shown by such investigation that the duty specified in this act, or in any amendatory act, does not equalize the differences in the cost of production of the domestic article and the like or similar foreign article when produced in the principal competing country or countries, then the commission may issue an order making a change in the duty upon the article, which shall be immediately transmitted to the President for approval. No change of duty so ordered shall exceed the amount of the difference between the cost of production of the domestic article and the cost of production of such like or similar foreign article. Any change in the duty under this section may be in the form of a change in the rate of duty or by the transfer of the article from the dutiable list to the free list, or from the free list to the dutiable list, and/or a change in the form of duty, and/or a change in the basis of value, and/or a change in the classification.

"(c) If the President approves any such order of the commission, the change in the duty made therein shall be in effect 30 days after such order becomes final with respect to the foreign article when imported from any country into the United States or into any of its possessions (except the Philippine Islands, the Virgin Islands, American Samoa, and the Island of Guam).

"(d) The order of the commission shall become final when approved by the President, except that a petition for the review of such order may be filed with the United States Court of Customs and Patent Appeals within 60 days after the date of approval of such order of the President. The United States Court of Customs and Patent Appeals shall have exclusive jurisdiction to review any such order. The court is authorized to adopt rules for the filing of the petition, the preparation of the record for review, and the conduct of proceedings upon such review. Upon such review the court shall have power to affirm the order of the commission, or, if such order is not in accordance with law, to modify or to reverse such order, with or without remanding the case for a rehearing, as justice may require. The judgment of the court shall be final except that the same shall be subject to review by the United States Supreme Court upon certiorari applied for within three months after such judgment of the United States Court of Customs and Patent Appeals.

"(e) In ascertaining the differences in costs of production under this section, the commission shall take into consideration, in so far as it finds it practicable and applicable—

"(1) Differences in conditions of production, including wages, costs of materials, and other items in cost of production of domestic articles and like or similar foreign articles;

"(2) Prices of domestic and foreign articles when freely offered for sale in the principal market or markets of the United States in the usual course of trade and in the usual wholesale quantities, the price of the foreign article in the principal market or markets of the principal competing country or countries, the invoice price or value of the foreign article, or its import cost as defined in subdivision (b) of section 318;

"(3) Other costs of the domestic article and of the foreign article, including costs of containers and coverings of whatever nature, and other charges and expenses incident to placing the article in condition packed ready for delivery, storage costs in the principal market or markets of the United States and of the principal competing country or countries, and costs of reconditioning or repacking wherever incurred;

"(4) Differences between the domestic and foreign article in packing and containers and in condition in which received in the principal markets of the United States;

"(5) Costs of transportation, including insurance when in transit, port charges, consular fees, and other similar charges;

"(6) Advantages granted to a foreign producer by a foreign government, or by a person, partnership, corporation, or association in a foreign country; and

"(7) Any other advantages or disadvantages in competition which increase or decrease in a determinable amount the total cost at which domestic or foreign articles may be delivered in the principal market or markets of the United States.

"(f) For the purposes of this section—

"(1) The term 'domestic article' means an article wholly or in part the growth or product of the United States; and the term 'foreign article' means an article wholly or in part the growth or product of a foreign country.

"(2) In determining the principal competing country with respect to any foreign article the commission shall take into consideration the quantity, value, and quality of the article imported from each competing country and any other differences in the conditions under which the article imported from each such country competes with the domestic

article. A determination by the commission as to the principal competing country shall be final.

"(3) The term 'United States' includes the several States and Territories and the District of Columbia.

"(4) The term 'foreign country' means any empire, country, dominion, colony, or protectorate, or any subdivision or subdivisions thereof (other than the United States and its possessions).

"(g) For the purpose of obtaining information in connection with investigations of the commission under this section the commission is authorized to send to foreign countries such agents or employees as it may deem necessary. In the event that any producer, manufacturer, exporter, or importer of any foreign article involved in any such investigation refuses to appear or testify or to furnish to the commission or to its agents or employees any information required by the commission with respect to the cost of production of such article, or refuses to produce any books, papers, or documents or other evidence requested by the commission for the purposes of such investigation, then the commission is authorized to issue an order, subject to the approval of the President, excluding the foreign article from entry into the United States. Any such order issued by the commission shall take effect on the expiration of the thirtieth day after the date of approval of such order by the President and shall remain in effect until canceled by an order of the commission approved by the President."

SEC. 2. All uncompleted investigations instituted under the provisions of section 315 of the tariff act of 1922 prior to its amendment by this act, including investigations in which the President has not proclaimed changes in classification or increases or decreases in rates of duty, shall be dismissed without prejudice, but the information and evidence secured by the commission in any such investigation may be given due consideration in any investigation instituted under the provisions of this section.

Mr. FESS. Mr. President, after the Senate has listened to this very illuminating and argumentative presentation of the tariff as it affects the farmers I should like to have printed in the RECORD an editorial from the Fargo Forum, in which the editor gives 10 reasons why the tariff bill is a good thing for the North Dakota farmers. After specifying those reasons he adds some reasons why the East has been opposing the bill.

I observe that he says that one reason why the East has opposed it is that—

Practically no increase is provided for industries other than those connected with agriculture.

I think the editor is somewhat mistaken.

A second reason, he says, is:

The possible increase in the cost of living due to the increases on farm products.

And a third:

Possible increase in the cost of raw materials to industry due to the increase in rates on farm products.

And then he adds, in the conclusion of this rather unusual editorial:

Here are the chief reasons why the East should support the bill:

1. A prosperous agriculture will provide tremendous new markets at home for the production of American factories.

2. Fair treatment to agriculture has been promised by the entire Nation—

And so forth.

I ask the privilege of having this editorial printed, not only because of the reasons the editor gives positively, that the passage of the bill will favorably affect the farmer, but because I want to call attention to what I think would be a great error on the part of the East if they should do what the editorial says—oppose the bill because the increases have been in agriculture. I think while the increases have been in agriculture considerably more than anything else, the bill does not omit protection also of industries in the East.

I ask unanimous consent to have the editorial printed in the RECORD.

The PRESIDING OFFICER. Without objection, the editorial will be printed in the RECORD.

The editorial is as follows:

[From the Fargo Forum of Tuesday, June 3, 1930]

TEN REASONS WHY THE HAWLEY-SMOOT TARIFF BILL IS A GOOD THING FOR NORTH DAKOTA FARMERS

The tariff bill is nearing the end of the way. The conference committee has reached another compromise on the flexible clause which is acceptable to the administration and will withstand a point of order. There may be two or three more points raised by the Democrats, but they of themselves will not defeat the bill.

The drive to kill the bill has reached tremendous proportions in the East. The coalition, with the possible exception of a very few of its



one-time stalwart voters, is making strenuous efforts to re-form its lines against a vote which will defeat the bill. Among those slated for voting against the measure are most of the insurgent Republicans from the Northwest States, men who long have professed their friendship for the farmer, who have openly declared their only interest is to see the farmer get parity with other industries. But here they desert the farmer. They align themselves with the industrial East. They are a part of a scheme to defeat a bill which will give the farmers of this section a tariff bill that affords them material gains.

The Fargo Forum herewith presents 10 reasons why the tariff bill is a good thing for the farmers of North Dakota, 10 reasons why it should be passed:

First. Every farm product now produced in North Dakota, or for which the State is adapted by soil, temperature, or rainfall, is increased in the bill to the level of or above the nonagricultural rates.

Second. If we consider the net increase in the rates of the pending bill over the act of 1922 to be 100 per cent, then 51 per cent of the increase is on agricultural raw materials; 16 per cent on semimanufactures of agriculture, one step removed from crude, like linseed oil or flour; 27 per cent on fully manufactured products of agricultural origin, like linoleum, pastry products, casein, starch; only 6 per cent of net increase on products of nonagricultural origin.

Third. Revision is strictly a limited one. Sixty-six per cent of all items in the present law are not changed; 27 per cent are increases and 7 per cent are decreases.

Fourth. All transfers from the dutiable to the free list, amounting to \$44,000,000, are either directly for agriculture, such as grindstones, ammonium sulphate, or benefit agriculture with all other people, such as unground spices, or are of no special interest to agriculture, such as uncut precious stones.

Fifth. Most of the reductions in rates in industrial schedules are beneficial to agriculture, and none of these reductions can be hurtful.

Sixth. All transfers from the free to the dutiable list, amounting to \$215,000,000, are for the benefit of agriculture, except soft lumber, brick, cement, low-grade manganese, and a few other minor items. Such items as hides and skins, chickpeas, oilcake and meal, and cotton, and others made dutiable at the request of agriculture, amount to more than 80 per cent of the total. Low-grade manganese ore and several other items made dutiable at the request of the coalition; only brick, cement, and soft lumber were transferred from the free list against the coalition vote. Logs put on the free list will prevent the lumber duty of \$1 from becoming effective, and brick and cement increase can not be reflected in the price except in coast cities, because of unlimited raw material distributed over every State.

Seventh. The debenture is an appropriation bill rather than a revenue measure and could not be part of the tariff act. It must be acted on as a separate major problem outside of other measures.

Eighth. The flexible feature is of tremendous importance to agriculture. Witness the past use of it in the case of wheat, flour, flaxseed, linseed oil, milk, cream, butter, cheese, eggs, cherries, onions, peanuts, etc. It already has been held constitutional, so that question can not be honestly raised now. The Senate clause undoubtedly represents a trade by northwestern Senators with the Democrats in the early stages of the coalition. Since that vote has been lost, the Northwest Senators should now stand by agriculture and support the bill.

Ninth. The problem of the independence of the Philippine Islands could not be dealt with in the tariff act. A general tariff on Philippine products would hurt North Dakota more than help it, due to the increase in the price on Manila fiber used for twine by the grain farmers.

Tenth. The pending bill gives the American farmers the fullest opportunity to supply the domestic market protected from foreign competition. Now, why does the East oppose it? Here are the chief reasons:

First. Practically no increase is provided for industries other than those connected with agriculture.

Second. The possible increase in the cost of living due to the increases on farm products.

Third. Possible increase in the cost of raw materials to industry due to the increase in rates on farm products.

Fourth. Fear of retaliation from foreign countries.

Here are the chief reasons why the East should support the bill:

First. A prosperous agriculture will provide tremendous new markets at home for the production of American factories.

Second. Fair treatment to agriculture has been promised by the entire Nation. The Republican Party pledged this as one of the measures which would be helpful to agriculture, and eastern Republicans who vote for the bill feel that this promise must be kept if for no other reason than to hold the Republican Party together and deserve the support of agriculture.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 2836. An act to admit to the United States Chinese wives of certain American citizens;

S. 4085. An act to authorize the use of a right of way by the United States Indian Service through the Casa Grande Ruins National Monument in connection with the San Carlos irrigation project;

S. 4169. An act to add certain lands to the Zion National Park in the State of Utah, and for other purposes;

S. 4170. An act to provide for the addition of certain lands to the Bryce Canyon National Park, Utah, and for other purposes;

S. 4203. An act to amend the act approved February 12, 1929, authorizing the payment of interest on certain funds held in trust by the United States for Indian tribes; and

S. 4318. An act to amend the act entitled "An act to permit taxation of lands of homestead and desert-land entrymen under the reclamation act," approved April 21, 1928, so as to include ceded lands under Indian irrigation projects.

#### REGULATION OF BUSES

Mr. JONES. Mr. President, I have two telegrams in the nature of petitions asking for the consideration at this session of what is known as the Parker bus bill, together with the Glenn amendments. One of these telegrams is signed by Jess Kuhns, manager Olympia Grays Harbor Transportation Co., of the State of Washington, and the other is signed by E. H. Thomas, secretary-manager of the Motor Coach Association.

The PRESIDING OFFICER. Does the Senator desire to have the telegrams printed in the RECORD?

Mr. JONES. No; I do not care to have them printed. The statement I have made with reference to them is sufficient.

#### DIAL TELEPHONES

Mr. TYDINGS. Mr. President, I have a resolution I desire to offer, which I do not think will lead to any discussion. I ask to have it read from the desk and then I will request immediate consideration.

The PRESIDING OFFICER. The clerk will read.

The resolution (S. Res. 288) was read, as follows:

Whereas Senate Resolution 274, considered and agreed to May 22, 1930, directed the Sergeant at Arms of the Senate to order the Chesapeake & Potomac Telephone Co. to replace with manual all dial telephones in the Senate wing of the United States Capitol and in the Senate Office Building within 30 days; and

Whereas some Senators may desire to continue the use of dial telephones: Therefore be it

*Resolved*, That the Sergeant at Arms of the Senate is authorized and directed to order the Chesapeake & Potomac Telephone Co. not to remove such telephones from the offices of any Senator in the Senate Office Building or in the Senate wing of the United States Capitol unless requested by the Senator to replace such dial telephones with manual telephones, which request shall be complied with within 10 days.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

Mr. GLASS. Mr. President, I will have to ask that the resolution go over. I would like to consider it.

Mr. TYDINGS. I have no objection to that course, but let me say to the Senate in general what I had hoped the resolution would do, and I thought it conveyed my idea.

The object is to let those Senators who want dial telephones keep them, and to allow those who want the other kind of telephone have that style of telephone. My resolution was not meant to be hostile to the action taken on the resolution offered by the Senator from Virginia a short time ago, but the object was only to have the dial telephones removed where Senators requested that that be done.

Mr. FESS. I gathered that that was the purpose of the Senator.

Mr. GLASS. How would we determine as to the Senate wing of the Capitol? What Senator would have a right to demand that the dial telephones should remain in the Senate wing of the Capitol rather than in his own office?

Mr. TYDINGS. As I understand, in the committee rooms, the chairman of the committees would have the say. It was not the intention of my resolution to cover the cloakrooms.

Mr. GLASS. I shall have to ask that the resolution go over. I would like to consider it.

The PRESIDING OFFICER. The resolution will go over.

#### THE TARIFF—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes.

Mr. FESS. Mr. President, I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.



The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Gillett	McCulloch	Smoot
Ashurst	Glass	McKellar	Steck
Barkley	Glenn	McMaster	Steiwer
Bingham	Goff	McNary	Stephens
Black	Goldsborough	Metcalf	Sullivan
Blaine	Greene	Moses	Swanson
Borah	Hale	Norbeck	Thomas, Idaho
Bratton	Harris	Norris	Thomas, Okla.
Brock	Harrison	Oddie	Townsend
Broussard	Hastings	Overman	Trammell
Capper	Hatfield	Patterson	Tydings
Caraway	Hawes	Phipps	Vandenberg
Connally	Hayden	Pine	Wagner
Copeland	Hebert	Pittman	Walcott
Couzens	Heflin	Ransdell	Walsh, Mass.
Cutting	Howell	Reed	Walsh, Mont.
Dale	Johnson	Robinson, Ark.	Waterman
Deneen	Jones	Robinson, Ind.	Watson
Dill	Kean	Robson, Ky.	Wheeler
Fess	Kendrick	Sheppard	
Frazier	Keyes	Shipstead	
George	La Follette	Shortridge	

The VICE PRESIDENT. Eighty-five Senators have answered to their names. A quorum is present.

Mr. McNARY. Mr. President, I desire to propose the unanimous-consent agreement which I send to the desk and ask to have read.

The VICE PRESIDENT. The clerk will read the proposed agreement.

The Chief Clerk read as follows:

*Ordered, by unanimous consent, That at the hour of 1 o'clock p. m., on Friday, June 13, 1930, the Senate proceed to vote on the question of agreeing to the two pending conference reports on the tariff bill, H. R. 2667.*

Mr. McNARY. I note the temporary absence of the distinguished leader on the Democratic side, the senior Senator from Arkansas [Mr. ROBINSON]. I do not want in his absence to have the matter come to a decision.

Mr. HARRISON. Mr. President, did the Senator from Oregon observe that he is asking unanimous consent to have a vote on the tariff bill on Friday the 13th of the month?

Mr. McNARY. I think that will be a very lucky and happy occasion.

Mr. SWANSON. Mr. President, I can not understand from this request as to whether we are to vote on the two reports as one or to vote on them separately.

The VICE PRESIDENT. An order has already been made that there shall be but one vote.

Mr. SWANSON. The proposed agreement says "pending conference reports." It should be made clear whether we are to have one vote or to vote on the reports separately.

The VICE PRESIDENT. The Chair will announce that it has already been agreed by unanimous consent that there shall be one vote upon the two reports.

Mr. SWANSON. I want to have a ruling of the Chair. Would the proposed unanimous-consent agreement in any way modify the agreement heretofore made? It uses the word "reports."

The VICE PRESIDENT. The Chair would rule that it meant a vote, as previously agreed upon.

Mr. McNARY. That is the intention of the author of the proposal.

Mr. HEFLIN. Mr. President, why not make the hour 3 o'clock Thursday afternoon?

Mr. ROBINSON of Arkansas. That would not suit my convenience, I will say to the Senator from Alabama. I am compelled to be out of the city on Thursday.

Mr. McNARY. In view of the return to the Chamber of the Senator from Arkansas, I suggest that the proposal be read by the clerk.

The VICE PRESIDENT. The unanimous-consent proposal will again be read.

The legislative clerk read the proposed agreement.

Mr. BLAINE. Mr. President, I suggest to the Senator from Oregon that yesterday I made a parliamentary inquiry respecting a motion to recommit. I serve notice now that on to-morrow, as soon as I may be able to obtain the floor, I shall make that motion and then proceed to discuss the motion.

Mr. ROBINSON of Arkansas. Mr. President, in view of the statement made by the Senator from Wisconsin, I think the unanimous-consent agreement, if it is entered into, should reserve the right to vote upon the motion to recommit. An agreement to vote upon the conference report might be held to preclude a vote on the motion to recommit.

I have no objection to the arrangement suggested by the Senator from Oregon. I learn, however, that it will not suit the convenience of the Senator from Alabama. It is quite diffi-

cult, of course, to fix a time which will not be inconvenient for some of us.

Mr. HEFLIN. Mr. President, for the present I shall have to object. We are not going to have debate enough to go along until Thursday afternoon at 3 o'clock.

Mr. McNARY. Mr. President, I think it is highly important that some date be fixed in advance for the vote, in order to accommodate a number of Senators. It is perfectly fair that they should have an opportunity to know on what day and at what hour we shall vote finally on the report.

Mr. HEFLIN. I would suggest to the Senator that it was generally understood around here last week that we would vote upon the report on Tuesday, and in any event not later than Wednesday.

Mr. McNARY. Would some other hour on Friday suit the convenience of the Senator from Alabama?

Mr. HEFLIN. I am not sure. I will look into that, if the Senator will withhold the request a little while.

Mr. ROBINSON of Arkansas. Mr. President, I think that if the Senator from Oregon will withhold his request for a few minutes, until some inquiries can be made, perhaps an arrangement can be entered into.

Mr. McNARY. For the present I withhold the request.

Mr. BLAINE. Mr. President, before the Senator from Oregon takes his seat, I want in all good faith to call attention to the possibility that a point of order may be made against some provisions of this bill. I am investigating that question. I think that before the conclusion of to-day's session I may make the point of order. If the debate runs along until about half past 3 or 4 o'clock I hope to have analyzed the proposition sufficiently then to ascertain whether or not the point of order should be made. I thought the Senate ought to be advised of this possibility.

Mr. SMOOT. Mr. President, the conference report on the tariff bill is before the Senate?

The VICE PRESIDENT. It is if any Senator desires to discuss it. The question is on agreeing to the conference report on the tariff bill.

Mr. SWANSON. Let us have the yeas and nays.

Mr. HARRISON. Mr. President, what is the question?

The VICE PRESIDENT. The question is on agreeing to the conference report on the tariff bill.

Mr. BRATTON. I ask for the yeas and nays.

Mr. HARRISON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Gillett	McCulloch	Smoot
Ashurst	Glass	McKellar	Steck
Barkley	Glenn	McMaster	Steiwer
Bingham	Goff	McNary	Stephens
Black	Goldsborough	Metcalf	Sullivan
Blaine	Greene	Moses	Swanson
Borah	Hale	Norbeck	Thomas, Idaho
Bratton	Harris	Norris	Thomas, Okla.
Brock	Harrison	Oddie	Townsend
Broussard	Hastings	Overman	Trammell
Capper	Hatfield	Patterson	Tydings
Caraway	Hawes	Phipps	Vandenberg
Connally	Hayden	Pine	Wagner
Copeland	Hebert	Pittman	Walcott
Couzens	Heflin	Ransdell	Walsh, Mass.
Cutting	Howell	Reed	Walsh, Mont.
Dale	Johnson	Robinson, Ark.	Waterman
Deneen	Jones	Robinson, Ind.	Watson
Dill	Kean	Robson, Ky.	Wheeler
Fess	Kendrick	Sheppard	
Frazier	Keyes	Shipstead	
George	La Follette	Shortridge	

The VICE PRESIDENT. Eighty-five Senators have answered to their names. A quorum is present. The question is on agreeing to the conference report on the tariff bill.

Mr. McNARY. Let us have the yeas and nays.

The VICE PRESIDENT. Is there a second to the demand for the yeas and nays?

Mr. McNARY. Mr. President, the Senator from Wisconsin [Mr. BLAINE] stated a moment ago that he desired to propose a point of order. I think probably he is prepared to do so at this time.

The VICE PRESIDENT. Is there a second to the demand for the yeas and nays? Apparently there is, and the yeas and nays are ordered.

Mr. BLAINE addressed the Senate. After having spoken for over an hour—

Mr. ROBINSON of Arkansas. Mr. President—

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Arkansas?

Mr. BLAINE. I do.

Mr. McNARY. Mr. President, I suggest the absence of a quorum.

Mr. BLAINE. I prefer to continue this discussion, Mr. President. Since the chairman of the Finance Committee is here, and the distinguished Senator from Indiana [Mr. WATSON], I want to examine into what happened in the conference. I yield, however, to the Senator from Arkansas, as I understand he has a special request to make.

Mr. McNARY. Will the Senator yield to me, just for a moment, to propose a unanimous-consent agreement?

Mr. BLAINE. If it is to propose a unanimous-consent agreement, of course we should have a quorum call. I yield for the purpose suggested by the Senator from Oregon.

Mr. McNARY. Mr. President, I desire to modify the agreement I proposed so that the Senate shall vote upon the conference report to-morrow at 2 o'clock. Otherwise, the proposal stands without modification.

Mr. ROBINSON of Arkansas. And that does not preclude a vote on the motion to recommit?

Mr. McNARY. Correct. That is also embodied in the proposal.

Mr. LA FOLLETTE. Mr. President, that would give only two hours for debate.

Mr. ROBINSON of Arkansas. I suggest to the Senator that he arrange to have the Senate meet at 10 o'clock in the morning.

Mr. LA FOLLETTE. We could not get a quorum here at 10 o'clock in the morning. The Senator knows that.

Mr. WATSON. Oh, yes; we can.

Mr. LA FOLLETTE. As I understand, a number of Senators desire to speak to-morrow; and it is now 25 minutes of 4 o'clock.

Mr. McNARY. Would fixing the hour at 3 o'clock accommodate the Senator from Arkansas?

Mr. LA FOLLETTE. I desire to accommodate the convenience of the Senator.

Mr. ROBINSON of Arkansas. Three o'clock is the latest hour that would convenience me.

Mr. McNARY. Then I propose the following unanimous-consent agreement:

That when the Senate concludes its business to-day it recess until 10 o'clock in the morning, and that at 3 o'clock in the afternoon we take the final vote on the pending proposal, which is the report on the tariff conference.

Mr. WATSON. Preceded by the motion to recommit.

Mr. McNARY. Also, that the motion to recommit be not prejudiced by reason of this proposal.

The VICE PRESIDENT. Is there objection?

Mr. LA FOLLETTE. Mr. President, is it not necessary to have a quorum call?

The VICE PRESIDENT. Not for a vote on a conference report.

Mr. BORAH. I think we ought to have a quorum before we pass on the request, because this is something with which several Senators are not familiar. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	George	Keyes	Shipstead
Ashurst	Gillett	La Follette	Shortridge
Barkley	Glass	McCulloch	Smoot
Bingham	Glenn	McKellar	Steck
Black	Goff	McNary	Steiwer
Blaine	Goldsbrough	Metcalf	Stephens
Borah	Greene	Moses	Sullivan
Bratton	Hale	Norbeck	Swanson
Brock	Harris	Norris	Thomas, Idaho
Broussard	Harrison	Oddie	Thomas, Okla.
Capper	Hastings	Overman	Townsend
Caraway	Hatfield	Patterson	Trammell
Connally	Hawes	Phipps	Tydings
Copeland	Hayden	Pine	Vandenberg
Couzens	Hebert	Pittman	Wagner
Cutting	Heflin	Ransdell	Walcott
Dale	Howell	Reed	Walsh, Mass.
Deneen	Johnson	Robinson, Ark.	Walsh, Mont.
Dill	Jones	Robinson, Ind.	Waterman
Fess	Kean	Robison, Ky.	Watson
Frazier	Kendrick	Sheppard	Wheeler

The VICE PRESIDENT. Eighty-four Senators have answered to their names. A quorum is present.

Mr. McNARY. Mr. President, I ask that the clerk state the unanimous-consent agreement which I have proposed.

The VICE PRESIDENT. The proposed unanimous-consent agreement will be stated.

The Chief Clerk read as follows:

*Ordered, by unanimous consent,* That at the conclusion of its business to-day the Senate take a recess until 10 o'clock a. m. to-morrow, and

that at the hour of 3 o'clock p. m. on to-morrow, Wednesday, June 11, the Senate proceed to vote on the question of agreeing to the two pending conference reports on the tariff bill, H. R. 2667, provided that this order shall not preclude a vote on the motion to recommit.

The VICE PRESIDENT. Is there objection?

Mr. BLAINE. Mr. President, I call the Senator's attention to the fact that the so-called lobby committee is to have a very important meeting at 10 o'clock to-morrow; and, in my opinion, that committee ought not to be put in a position where there will be an adjournment of the meeting scheduled for to-morrow at 10 o'clock.

Under the circumstances I am constrained to object.

Mr. McNARY. Mr. President, will the Senator agree to meet at 11 o'clock in the morning?

Mr. BLAINE. Mr. President, I do not know how long the committee may proceed; but the committee is confronted with nothing different than that with which the Senate is confronted. We do not know what the committee may order in the premises. It is not important to the committee as a committee, but the matter pending before the committee is important to the Senate. Therefore I do not feel that the committee ought to be precluded from full consideration of the subject matter that will be before it, and therefore we ought not to limit its time to one hour.

Mr. HEFLIN. Mr. President, in view of the fact that a vote to-morrow would very much convenience a number of Senators here, could not the Senator postpone his meeting until the next day, when the tariff bill will be out of the way?

Mr. CARAWAY. Mr. President, if the Senator will yield to me, because of the serious conflict of engagements of Senators that would require them to have a vote on this matter to-morrow or to be absent when the vote is taken, I shall take the responsibility of postponing the meeting of the lobby committee to Thursday morning at 10 o'clock, if it is satisfactory to Senators. If it is satisfactory to the Senator from Wisconsin, I will postpone that meeting until Thursday at 10 o'clock, in order to oblige Senators who have conflicting engagements.

The VICE PRESIDENT. Is there objection?

Mr. BLAINE. Mr. President, from the standpoint of the Senate, I think it is far better to postpone a vote on the tariff bill than to postpone the disposition of the matter before the committee.

Mr. CARAWAY. Very well.

Mr. McNARY obtained the floor.

Mr. HEFLIN. Mr. President, if the Senator will yield to me just a moment, I understood the chairman of the lobby committee to say that he would take the responsibility of postponing until Thursday the meeting called for to-morrow. If he does, being chairman of the committee, I suppose that would satisfy the Senator from Wisconsin.

Mr. BLAINE. Mr. President, if that question was directed to me, I want to make this statement: I do not wish to impose on the chairman of the committee any such responsibility. If the chairman of the committee postpones the meeting of the committee, certainly he has a perfect right to do so; but the committee meeting has been called—there may be a quorum present, there may be four members of the committee present—so that it would take more than just the concurrence of the chairman with himself to bring about a postponement of the meeting.

I really think the matter before the committee has reached such a stage that the committee ought to dispose of it, and in view of the circumstances, which I do not care to discuss now, I would object to a postponement of that committee meeting without a meeting of the committee and a determination of the question by it.

Mr. McNARY. Mr. President, I modify the proposal in the following manner, that we meet at 12 o'clock Friday and vote at 3 o'clock on that date.

Mr. HARRISON. On what date?

The VICE PRESIDENT. On Friday.

Mr. McNARY. I want the attention of the Senator from Alabama.

The VICE PRESIDENT. The Senator from Alabama will give his attention.

Mr. McNARY. I suggest that, as modified, the Secretary read the proposal from the desk.

The Chief Clerk read the proposal, as follows:

*Ordered, by unanimous consent,* That at the conclusion of its business on Thursday the Senate take a recess until 12 o'clock meridian Friday, and that at the hour of 3 o'clock p. m. on Friday, June 13, 1930, the Senate proceed to vote on the question of agreeing to the two pending conference reports on the tariff bill, House bill 2667: *Provided,* That this order shall not preclude a vote on the motion to recommit.



The VICE PRESIDENT. Is there objection?

Mr. WATSON. Mr. President, I have no desire, of course, to object to that if we can not do anything better. I am told that the junior Senator from Wisconsin is entirely willing to have the vote taken to-morrow afternoon, if we adjourn until 12 o'clock to-morrow.

Mr. LA FOLLETTE. Mr. President, I could not agree to that. That would permit only two hours' debate, I may say to the Senator from Indiana, and I know at least half a dozen Senators who desire to be heard on the conference report.

Mr. MOSES. Mr. President, is it not possible to make this agreement applicable on Thursday?

Mr. McNARY. I have been advised that it would not be possible to make it Thursday unless there is objection to the Friday proposal.

Mr. MOSES. Mr. President, inasmuch as we are considering the convenience of individual Senators, I would like to say that it would be a great inconvenience to me to have to stay here until 3 o'clock on Friday, because I wish to attend a reunion of my class at Dartmouth College over the week end, and Dartmouth is some distance from Washington. I much prefer Thursday.

Mr. McNARY. Mr. President, I again modify the proposal by asking that Thursday be substituted for Friday, and I ask that that be reported.

Mr. HARRISON. Mr. President, I have no objection to Thursday, or Friday, or to-morrow, as the time for a vote upon the proposition, but the senior Senator from Arkansas [Mr. ROBINSON] was very anxious to get back here Friday, it developed in the discussion when some of the Senators were not present—

Mr. MOSES. I am very anxious to be away on Friday.

Mr. HARRISON. Was objection made to the request that Friday be fixed?

The VICE PRESIDENT. Is there objection to the request?

Mr. BORAH. Mr. President, what is the date proposed?

Mr. McNARY. I am proposing now Thursday, instead of Friday.

Mr. BORAH. Is the senior Senator from Arkansas [Mr. ROBINSON] satisfied with that? He left the Chamber with the understanding that it would not be Thursday.

Mr. MOSES. If the hour could be made 1 o'clock on Friday, I would not object.

Mr. HARRISON. Let us make it 2 o'clock on Friday.

Mr. MOSES. I want to catch a train at 2.

Mr. McNARY. I modify the request so that the hour will be 2 o'clock Friday.

Mr. LA FOLLETTE. May I suggest to the Senator from Oregon, if his patience is not exhausted, that it might be well to strike out of the unanimous request the time for the convening of the Senate on Friday, so that if there should be on Thursday afternoon an indication that we ought to meet earlier in order to accommodate Senators, that might be done.

Mr. McNARY. I think that is a very wise suggestion, and I make that change.

Mr. MOSES. Let it be stated in its present form.

The VICE PRESIDENT. The request will be again stated. The Chief Clerk read as follows:

*Ordered, by unanimous consent,* That at the hour of 2 o'clock p. m., on Friday, June 13, 1930, the Senate proceed to vote on the question of agreeing to the two pending conference reports on the tariff bill, H. R. 2667: *Provided,* That this order shall not preclude a vote on the motion to recommit.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. LA FOLLETTE. Mr. President, I want to suggest that Friday the 13th is an excellent date for a vote on the tariff bill.

Mr. WATSON. We are entirely willing to have the vote taken at that time.

The VICE PRESIDENT. The junior Senator from Wisconsin has the floor.

Mr. WATSON. Mr. President, if the Senator will yield, in view of the situation which has just developed, and at the request of numerous Senators, I desire to say that it is not desirable to have a vote this afternoon on the motion of the Senator from Wisconsin to recommit the report to the conference committee. A number of Senators wanted to have that statement made.

Mr. BLAINE resumed and concluded his speech, which is as follows:

Mr. BLAINE. Mr. President, before the vote upon the adoption of the conference report, I desire to move at this time that the report be recommitted to the conference committee.

The VICE PRESIDENT. The question is on the motion of the Senator from Wisconsin.

Mr. BLAINE. The Senator from Indiana [Mr. WATSON] this morning was analyzing what, in his opinion, the tariff bill accomplishes. I called his attention particularly to the dairy schedule. I want to call the attention of the Senate particularly to the dairy schedule at this time.

During the entire debate and in the consideration of the tariff bill the chairman of the Committee on Finance and other Members of the Senate who are high protectionists advocated the adoption of full compensatory duties. They had their way about it, and so the highest possible compensatory duties were granted to the woolen manufacturers, compensatory duties far beyond all reason.

The cotton manufacturers obtained full compensatory duties. The rayon manufacturers obtained full compensatory duties. The same is true of the silk manufacturers and likewise the manufacturers under the metal schedule. In fact, full compensatory duties were allowed to industries and to the manufacturing interests in all cases. The only single exception made in the bill in the denial of compensatory duties is the great agricultural interests and particularly the dairy interests.

The dairy industry is the greatest agricultural industry in America, and yet full compensatory duties were not granted to it. The dairy interests produce dairy products to the extent of \$3,000,000,000 a year, nearly three times the value of wheat and almost twice the value of corn production. We have heard much talk in these parts that the special session was called for the purpose of granting farm relief, to put agriculture on a parity with industry, and yet, Mr. President, the conferees have deliberately withheld from the dairy industry compensatory tariff rates, while granting industry excessive compensatory rates.

Mr. President, this has not been done by accident. It has been done by design. I therefore propose to call to the attention of the country this betrayal of agriculture. The great industrial organizations, those interests which have had special pleaders on the floor of the Senate have been able to get away with almost anything with respect to this tariff bill except murder, and I do not know but what they have succeeded in that respect, at least murder to the extent of strangling the most vital and important industry in America.

Hour after hour, days, weeks, months, have been consumed in these special pleas for industry, that it might have its full compensatory rates; and yet, Mr. President, after all these months of consideration, deliberation, and voting, the conferees bring here a tariff bill that betrays agriculture. Agriculture has not a "look in" in this bill. Rates on agricultural products, it is true, have been increased in some instances, but everyone who is familiar with the subject knows that those increases will not be effective; they are not intended to be effective; they can not, in the very nature of things, be effective; and yet there are Senators who will stand upon this floor and cite those fictitious rates in their attempt to fool the American farmer.

The American farmer is not going to be fooled; he is going to receive the facts in this case; he is going to know what the tariff bill will do to him; he is going to know that fictitious tariff rates have been placed upon his products, rates from which he will receive no benefit and from which he can not expect any benefit, while, on the other hand, rates on industrial commodities, which he must buy for use upon his farm in order to produce, have been raised to excessive and extortionate heights.

Take, for instance, the rates which have been imposed on products of the dairy industry. What has been done? There has been fixed a rate of 14 cents a pound on butter. That is 2 cents a pound in excess of the rate fixed by the President in 1926 under the flexible provisions of the existing tariff law. Is there any Senator here who believes that the present rate of 12 cents a pound on butter is effective? If there is, he, indeed, must be blind to the facts. Every farmer in the country to-day who is producing milk knows full well that even the rate of 12 cents a pound on butter is wholly ineffective; and yet there are those who will pretend that the farmer has been given additional protection and benefit by increasing that rate to 14 cents a pound.

Mr. President, butter to-day is selling in the rural communities as low as 18 cents a pound. The very highest grade of butter commands no more than 30 cents a pound. Senators talk about the 12-cent rate being effective when butter upon the London market in the last two or three months has been higher than in the New York market. The rate on butter is to be increased to 14 cents in the pending tariff bill. I want to analyze the effect of that rate upon the dairy industry as a whole.



I call the attention of the Senate to the fact that during the debate on this question I pointed out that after the President increased the rate on butter to 12 cents a pound butter began to tumble in the market, and it has been going down ever since. I called attention also to the fact that as soon as that rate of 12 cents a pound was placed upon butter, Canada, the neighbor to our north, shifted her production from butter to cheese, and dumped upon the American market "American" cheddar cheese, as I recall, to the extent of something like from 14,000,000 to 16,000,000 pounds a year.

The result of that increase in the tariff on butter was simply to cause in Canada a shifting in the production of dairy products from butter to cheese, and then to glut the American market with that cheese. When that volume of importations came to America it displaced an amount of American whole milk that goes into the manufacture of cheese equal to the amount of milk necessary to make those 14,000,000 or 16,000,000 pounds of cheese. In the present instance the rates fixed by the conferees on dairy products are so disproportionate as to bring about a shifting of production in foreign countries, with the result that butterfat will be imported in the form of cheese. Accordingly the higher rate of duty on butter will be less effective than the present rate. As a result of the Canadian shift from butter to cheese, the dairy industry was injured; and there has been no time in the history of America when it was so depressed as it is to-day. But the conferees—and I am sorry the chairman of the Senate conferees is not here, because I would like to direct specifically some questions to him—propose to continue this situation, even in an aggravated form. I, of course, refer to the conferees joining in the report.

Mr. President, what have the conferees done as the result of their consideration of the tariff bill? The House fixed a rate upon dairy products beginning with whole milk and skimmed milk, and then on cream, butter, and cheese. The Senate increased all those rates. The House accepted all those increases except those under paragraph 710 which apply to cheese.

Mr. President, butterfat is the foundation for fixing market prices of dairy products. Butterfat content determines the price of milk that is used in the manufacture of butter. Of course, we all understand that butter is the processed butterfat of the milk. Butterfat is the foundation for cheese and determines the market price of cheese; butterfat is the determining factor respecting the basic market of dairy products and determines the price of dairy products. Therefore when the Senate fixed a basic tariff rate on whole milk of 6½ cents per gallon and a basic tariff rate on skim milk, the by-product of milk in the manufacturing of butter, at 2½ cents a gallon, whole milk and skim milk being the raw products of the dairy industry, from that time on all rates respecting cheese under the bill as passed by the Senate were fixed accordingly. All other rates became compensatory rates. The Senate adjusted those compensatory rates according to the rates on the raw products, and did so properly. Those compensatory rates were fixed according to a formula used by the Tariff Commission, a scientific formula which had been worked out so that it has become of practical application.

I wish to state briefly how that formula applies when we are attempting to fix compensatory duties as protective duties for cheese. I have in my hands that formula, as I said, worked out by the Tariff Commission. It is the method of computing the compensatory duty on cheese.

When the House fixed the rate of 5 cents per gallon on whole milk and 1¾ cents per gallon on skimmed milk, this is the result under the House provision. I quote now from the formula prescribed by the Tariff Commission:

The total duty on a gallon of milk, applying this formula, becomes 6.54 cents per gallon.

Further quoting:

One hundred pounds of milk is equivalent to 11.62 gallons. The duty on 100 pounds of milk is, therefore, 11.62 times 6.54 cents, or 76 cents per hundred pounds. The yield of cheese per 100 pounds of milk will vary with the kind of cheese made and the quality of the milk used, etc. On the average, however, 100 pounds of milk will produce about 10 pounds of American cheese, or 8 pounds of Swiss cheese. Dividing the duty of 76 cents per 100 pounds by the 10 pounds will give an equivalent duty of 7.6 cents per pound for American cheese. Similarly, dividing the duty on 100 pounds of milk by 8 pounds will give a duty of 9½ cents per pound for Swiss cheese.

That is the mathematical and scientific method by which to figure the tariff rate on cheese in order to have a compensatory duty that will make a protective duty equal to the duty on milk.

Mr. President, those calculations are based upon the House provisions. Now, let us turn just for a moment to what the result should be and was under the Senate provisions.

Whole milk was increased from 5 cents to 6½ cents per gallon. Skimmed milk was increased from 1¾ cents per gallon to 2½ cents per gallon. Using the same formula under the Senate bill, in order to make a protective duty equal to the duty on whole milk under the Senate provision, if the duty were to be a specific rate, the compensatory duty would be 9.57 cents per pound.

Under the Senate bill the specific rate was made 8 cents per pound, but the ad valorem rate was made 42 per cent, which approximates 9.57 cents per pound, figured as a specific equivalent. So that the Senate rate on American cheese was measured according to the rate placed upon milk under the Senate bill.

On Swiss cheese, using identically the same formula, under the Senate bill the compensatory rate is 11.97 cents per pound, almost 12 cents a pound. It was shown in the investigation made by the Tariff Commission under the direction of President Coolidge that the difference in the cost of production of Swiss cheese in America and in Switzerland was 13 cents—in other words, that it cost 13 cents more to make Swiss cheese in America than it did in Switzerland, the chief competing country with America. Therefore, the 11.97 cents per pound was not quite sufficient to meet the difference in the cost of production; so the Senate fixed an ad valorem rate of 42 per cent. Forty-two per cent is equal to a specific equivalent of 13 cents and 6 mills per pound. In other words, the Senate in its bill, when it left the Senate, had fixed a rate on American cheese and Swiss cheese in order to equalize and compensate the rate on whole milk. The Senate fixed the rate on cheese according to the formula prepared by the Tariff Commission, which is not only scientifically accurate but has been demonstrated to be accurate in the practical application of the tariff rates, according to the investigation initiated by the President when he increased the tariff rates on Swiss cheese. So the bill as it left the Senate, so far as the dairy items or paragraphs are concerned, had fixed the tariff rates according to the basic rate on whole milk, the basis of which, of course, is butterfat.

There was no contest made against that proposition—of course not. The high protectionists on this side of the aisle—those who wanted full compensatory duties on woolen manufactures, on cotton manufactures, on silk manufactures, on rayon manufactures; the Mellon interests, who wanted full compensatory duty on aluminum manufactures; the Pennsylvania manufacturers, that wanted and received full compensatory duties on woolen manufactures—did not have the courage then to deny the full compensatory duties on dairy products—oh, no!

When the Senate bill was here fresh; when these industrial barons—the woolen interests, the cotton interests, the rayon interests, the silk interests, the aluminum interests—had all four of their feet in the tariff trough, grabbing the highest rates possible, of course they could not in public debate where their vote was to be recorded, deny the full compensatory rates on dairy products. But whenever these interests got behind closed doors in a conference committee, where the proceedings are conducted in secret, away from the prying eyes of the public, then these same interests that had all their feet—all four feet—in the tariff swill (that is what Adams said; I am quoting Adams)—after they got all they had asked, saw to it, thanks to the conference committee for coming to their assistance, that the dairy interests were not going to receive their compensatory duties.

So what did they do? The bill speaks for itself. The specific rate on American cheddar cheese is fixed at 7 cents a pound. That is 2.57 cents a pound less than the full compensatory duty. The specific rate on Swiss cheese is fixed at 7 cents a pound. That is 5.97 cents per pound less than the full compensatory duty. The ad valorem rate fixed by the conferees is 35 per cent or 7 per cent less than a full compensatory rate. So, Mr. President, in the conference committee, behind closed doors, that which was granted in full measure to the woolen industry, to the metals industry, to the silk industry, the rayon and the cotton and the aluminum industries, that which was granted in full measure to all special interests, was denied to agriculture, and particularly denied to the dairy industry—not only denied to the dairy industry, but the existing rate was taken from that industry. Not only has there been a reduction in the rate fixed by the Senate, but a reduction of the rate under the present law.

Under the present tariff act, which has been in force since 1922, under the proclamation of the President, the rate on Swiss cheese was fixed at 7½ cents a pound and 37½ per cent ad valorem. Under this bill that rate has been reduced to 7 cents a pound and 35 per cent ad valorem, and that under the benign influence and graciousness of the conferees.



Mr. President, it is a most indefensible procedure, a most reprehensible procedure, a complete betrayal, indeed, even a denial of the high protectionist's own theory of protection. He damns himself and all his works. Let me outline briefly what happened and how it happened.

This situation was not brought about by accident, as I have said, not at all. I have here the CONGRESSIONAL RECORD of February 19, 1930, and I want to read in part what I said on that occasion, and also read in part what the Senator from Utah [Mr. SMOOT], the chairman of the Committee on Finance, and the chairman of the Senate conferees, said. I said, speaking of the House bill and of the cheese provision:

The ad valorem rate provided in the bill is 35 per cent. That is 2½ per cent less than the amount provided for by the President's proclamation.

The specific rate is one-half a cent a pound less than that provided by the President's proclamation.

So that, as it relates to Swiss cheese, the bill carries a reduction in the ad valorem rate.

Continuing, I said this:

It appears that whoever figured out the rates on cheese evidently overlooked the fact that in fixing the rate on whole milk and skimmed milk they were giving consideration to this one proposition—that the House fixed a rate of 5 cents per gallon on whole milk and 1¼ cents per gallon on skimmed milk; but the Finance Committee increased the rate on whole milk to 6½ cents per gallon and the rate on skimmed milk to 2½ cents per gallon, thereby throwing the cheese paragraph out of harmony with the rate on milk, which rate was determined upon the butterfat content, or, rather, upon the rate as fixed for butter.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. BLAINE. I yield.

Mr. SMOOT. I admit that the committee did not give the increased ad valorem, notwithstanding the fact that cheese or substitutes therefor were increased from 7 to 8 cents a pound. The Senator will notice that; but when it came to the question of fixing not less than a certain percentage ad valorem, instead of increasing the 35 per cent in conformity with the increase over the 7 cents, the committee failed to do that.

That is what the chairman of the Finance Committee said on February 19, 1930. Then this occurred:

Mr. BLAINE. Yes. Mr. President, I was not offering any criticism whatever. I was just calling attention to a fact that would be apparent to anyone who is familiar with the dairy schedule.

Mr. SMOOT. I was simply saying to the Senator that even on the face of the paragraph, the statement that he made would justify the statement I have already made—that the ad valorem duty was not increased to conform with the increase of the specific duty on cheese and substitutes therefor. In other words, the rate was increased by the committee from 7 cents to 8 cents, which, in round numbers, is about 15 per cent of an increase; and yet where it says "but not less than 35 per cent ad valorem" we left that rate at 35 per cent ad valorem. Therefore, instead of 35 per cent it should be 42 per cent, or a difference of 7 per cent.

That is the record, and those are the reasons why the amendment was offered by me and the reasons why the Senate adopted the amendment.

Mr. President, subsequent thereto the Senator from New York [Mr. COPELAND] offered an amendment, and it is important that I discuss that, because it is that amendment which is furnishing the conferees the excuse for their betrayal of the dairy industry. Before I get through I think I can demonstrate by the RECORD and by the admissions of the chairman of the Finance Committee himself that the excuse is not well founded.

I do not propose that the Senate of the United States shall be tricked in this matter. I do not propose that the country shall be tricked. I do not propose that the farmers of the country shall be tricked. I do not propose that they shall be betrayed without full knowledge of the facts and full information as to the betrayal. For that reason I am asking that the report be recommitted, so that the conferees may correct their mistake and rectify their error, whether made through ignorance or through design. I might soften my words and, instead of saying "ignorance," say "through indifference"—for it is not ignorance on their part. They were fully advised regarding this situation before the last report was made on yesterday.

What happened? The Senator from New York [Mr. COPELAND] offered an amendment putting a specific rate on cheese made of sheep's milk, and commonly known as Romano or Pecorino, two cheeses which are well known in the trade, made principally in Italy.

I opposed that amendment. I thought we should not pick out cheese by a classification of this kind, because every country of Europe has its own type of cheese, and we should not discriminate for or against any country. But my views did not pre-

vail—the amendment was adopted—and I want to put into the RECORD, in the regular order, what occurred on this floor in the adoption of that amendment. I quote from the RECORD of February 19, page 3918. The question had arisen as to the description of the cheese. The Senator from New York had given the cheeses a name, but not a descriptive name, and that was the question under discussion. The Senator from Utah [Mr. SMOOT] said:

The Finance Committee has submitted that very question to the Treasury Department, asking if there is any possible way to make the description so that we could differentiate between the different classes of cheese. Up to the present time the answer has been that it is impossible.

Mr. WALSH of Massachusetts. I hope the Senator may be able, perhaps in conference, to suggest a distinction, although the latitude the Senator will have will be very narrow, will it not?

Mr. SMOOT. The department found it so narrow that they have failed to suggest anything to the committee by way of a distinction other than what we have.

Then the Senator from Massachusetts [Mr. WALSH] intervened, and the Senator from Utah continued:

Mr. WALSH of Massachusetts. I regret very much that it seems to be necessary to impose this increased duty upon this class of American consumers who rely upon this Italian cheese entirely for domestic uses.

Mr. SMOOT. I am informed that the Senator from New York is going to submit a descriptive amendment. It might well be adopted and let it go to conference, and yet I have my doubts whether it is going to meet the situation. As the Treasury Department said, up to the present time they have not been able to find a description which has proven, after a thorough investigation of it, to be "waterproof."

Then, after some other colloquy between Senators, the Senator from New York [Mr. COPELAND] offered his modified amendment, to provide for a description of the cheeses as suggested by the chairman of the Finance Committee.

Mr. COPELAND. I desire to amend the amendment of the Senator from Wisconsin by adding at the end thereof a semicolon and the words "cheese made of sheep's milk and commonly known as Romano or Pecorino, 8 cents per pound."

That was the amendment. It is a descriptive amendment. It was the amendment for which the Senator from Utah was looking. The Senator from New York offered the amendment. Then the Senator from Utah addressed the Chair, the Senator from New York yielding. I quote now from the Senator from Utah:

Mr. SMOOT. I think that everyone is agreed upon the one point that if the particular cheese can be designated in a tariff bill so it will not in any way conflict with the cheese that is made in the United States that a rate upon it of 8 cents a pound is sufficient. I do not know whether the Senator's amendment will have that effect or not, but I can say that I do not believe that words can be put together which will cover the situation better than the words suggested by the Senator from New York.

Let me give now a bit of personal testimony. There sat beside Mr. SMOOT, chairman of the committee, two experts from the Tariff Commission, two experts with reference to the dairy schedule, with whom he advised and with whom I advised while this colloquy was going on.

Nobody was fooled about this. Nobody doubted the meaning of the words. The cheese as described by the Senator from New York [Mr. COPELAND] is well known to the trade, is well known to the Treasury Department, and it was well known to the experts from the Tariff Commission who sat beside the chairman. It is well known to anyone who is familiar with cheese.

The descriptive wording of that amendment defined the cheese included by the Senator from New York as fully as though he were describing American cheese as American cheddar cheese. Everybody knows what American cheddar cheese is. There is no other cheese that meets the type of American cheddar cheese.

I want to say in this connection that the experts knew, the chairman of the Finance Committee knew, and I knew what cheese was intended, because it was a perfectly plain, a perfectly distinct, classification.

I quote from Mr. SMOOT again as his remarks appear in the RECORD of February 19, at page 3919, speaking of the cheese included in the amendment of the Senator from New York:

We have this cheese coming from three different countries now and there is no trouble at all about it. I do not think there will be any trouble with this language. Suppose this does at the present time refer to cheese that comes from Italy, yet the same cheese can be made in any other country and give it the same name, just as we do Swiss cheese.



Swiss cheese can be described, and the President did describe the Swiss cheese with certain specific definiteness so the Treasury Department could and did administer the law under his proclamation. The Senator from Utah continued:

And if it falls within the designation the Senator proposes, then it would come in under that designation. There would be no trouble there. The only trouble we would have, in my opinion, is whether it can be administered here, and the expert—

That was the expert sitting at the side of Mr. Smoot. I heard him give the advice and I was present at the time it was given. The Senator from Utah [Mr. Smoot] said:

And the expert tells me this is the only amendment suggested under which he thinks it can be administered and not interfere at all with the same cheese being made in any other country.

Could anything be more definitely understood or as definitely understood as a description of any commodity in the tariff bill? Continuing to quote from the chairman, after the interposition of some remarks by various Senators referring to the amendment to which I have called attention, being the amendment offered by the Senator from New York [Mr. COPELAND] including by descriptive terms Romano and Pecorino cheese:

Mr. SMOOT. I really think the amendment of the Senator from New York ought to be accepted.

Upon a viva voce vote it was agreed to.

Let me pursue the record a little further. The purpose of outlining the record as I have and entering upon a detailed discussion of the matter is for this reason, and I want to be perfectly frank. The conferees now say that the reason why they have reduced the tariff on Swiss cheese below the present tariff rate is because the expert from the Tariff Commission advises them that the cheese made exceptional in the cheese schedule in the Senate bill was not sufficiently described for administrative purposes. But whatever the tariff experts may say now, it was not said on the floor of the Senate, it was not said before the conferees during their conferences, but it was said at a meeting out in the corridor of the Senate just beyond the door of the Senate Chamber in the presence of Mr. Chester Gray.

Chester Gray, the water-power lobbyist here, was consulted. A fellow by the name of Holman, a fake representative of the farmers, was out there yesterday. They were called in conference with the experts from the Tariff Commission in the presence of the chairman of the Senate conferees, who is also chairman of the Senate Finance Committee. It was there in this improvised conference with Mr. Gray, the water-power lobbyist, and Mr. Holman, the fake farm representative, and the experts from the Tariff Commission and the chairman of the Finance Committee, when the tariff experts evidently changed their views.

I have not had the opportunity to converse with the tariff experts since the amendment was adopted, but, Mr. President, I say on the floor of the Senate that I doubt if the tariff experts would dispute what they said to the chairman of the Finance Committee and said to me while we were deliberating upon the amendment. I doubt it very much. I am convinced that, under examination, they would not dispute that which was understood to be definite and specific when the amendment was adopted, not only understood to be definite and specific, but understood to be proper. There was no question about it then. Strange, indeed, that the question should now arise; strange, indeed, that these conferences should be held out in the corridor of the Senate wing of the Capitol, affording an excuse to deny to the dairy interests a compensatory rate such as was granted in every other schedule in the tariff bill.

Mr. President, this to me is an ugly situation and I am surprised that not a single one of the conferees is on the floor of the Senate this afternoon to deny or question these facts. To my mind their absence is proof that their action was not by accident. It is a cowardly thing to place the responsibility upon two experts from the Tariff Commission whose voices can not be heard in this Chamber.

Mr. President, this one circumstance is sufficient to condemn the bill. The bill has been written in secret. It has been written, as has been shown by public testimony, under the skillful advice of the Eyansons and by that fine, subtle hand of the Pennsylvania Manufacturers' Association. The tariff bill has been written in most part not in free open discussion, but in large part behind closed doors. The public will never know all the influences that brought about the writing of the most indefensible tariff bill that was ever written.

Mr. President, not only the circumstances which I have outlined indicate the truth of my contentions, but never in the history of tariff legislation has there been such logrolling, such swapping, such trading. Every scheme and design that

could be hatched by those who want to get something out of the pockets of the people has been resorted to in the writing of this bill in both Houses of Congress and before the conference committee.

The facts I have been outlining this afternoon in connection with the dairy schedule ought to convince the farmers of the country that they had no friends upon the conference committee; that they had no one there to speak for them; that they were betrayed; and yet, Mr. President, those who are betraying them do so with sanctimonious hypocrisy, in endeavoring to tell the country that this is not a general revision of the tariff law; that it is a limited revision of the tariff law. Indeed, it is limited in respect to the benefit that will come from it; it is limited to those who have controlled this Congress, and that limited revision is to the detriment of 95 per cent of those engaged in agriculture, and to the consuming public generally. The Aluminum Trust will benefit; the Steel Trust will benefit; those who were able to influence Congress in regard to wool manufactures will benefit; the metal and chemical manufacturers will benefit; the rayon manufacturers and the silk manufacturers will benefit. Those who pay the lowest scale of wages are to be given a certificate that will entitle them to exploit the remainder of the people of the United States.

Now let me outline a little more of the record, for I want it to be complete.

On March 12, 1930, when the pending tariff bill was before the Senate—on February 19 it was in Committee of the Whole and on March 12 it was before the Senate—the Senator from New York [Mr. COPELAND] offered another amendment. I will not read all that was said on that occasion, but on page 5094 it will be found that the Senator from New York offered his amendment, using descriptive terms, specifying particular cheeses that were well known to the trade, well known to the Treasury Department, well known to the experts of the Tariff Commission, and well known to those who are familiar with foreign cheese; descriptive terms were used specifically to define the particular type of cheeses covered by the amendment offered by the Senator from New York.

That was to add to Romano or Pecorino cheese, Romanello cheese, practically the same type as Romano, and Vize cheese, and I think two other types of cheese of the same general characteristics, bearing, it is true, different trade names, but of the same classification, and which are identified by the Treasury Department and the experts of the Tariff Commission and are well known to the trade, just as well known to the trade as is the difference between Irish potatoes and sweetpotatoes.

Then the Senator from New York also proposed to add Feta White cheese. That cheese is known to anybody who has ever seen it. There is not anyone who could fail to identify it. It is cheese that has to be pickled; it comes in brine. There is no one who can be fooled with respect to its identity. One can not make a description more definite than to say "Feta White cheese."

What did the Senator from Utah [Mr. SMOOT] say about that amendment? After the Senator from New York [Mr. COPELAND] had submitted the amendment the Vice President put the question. Then the Senator from Utah [Mr. SMOOT] said:

I have no objection to the amendment at all; it is all right.

And then the amendment was agreed to.

But I should call attention to a colloquy that preceded that action, as it is found on page 5094 of the CONGRESSIONAL RECORD of the present session:

Mr. BLAINE. Mr. President, as to the cheese to which the Senator has referred as a foreign cheese, outside of Swiss and Gruyère, of course the importations are very small. I have no special objection to their coming in. The small quantity filtering in perhaps would do the domestic industry no harm at all. It is just a question of public policy.

I will not oppose the Senator's amendment if he strikes out Swiss and Gruyère cheese, but I do want to call the matter to the attention of the chairman of the committee that, when the matter goes into conference, serious consideration should be given to that very question of classifying the cheeses.

Mr. SMOOT. Mr. President, the wording of it will be a very particular job. We can not do that on the floor of the Senate.

The question under discussion was whether or not we should pick out specific cheeses made by certain countries and give a reduced tariff rate to those cheeses without applying the general rule operative as to cheeses from all countries. I was opposed to singling out specific cheeses made by one or two countries and giving special favors to those particular countries. Other countries produce cheese of various types and the cheese made in those countries would be subjected to the general terms of the bill while these particular cheeses coming from two or three countries would be imported at a rate below the general rate fixed in the bill.



That involved a question of policy; there was no question whatever as to the description or identification of the cheeses, and there could be none, because the experts of the Tariff Commission had affirmed in the presence of the Senator from Utah and in my presence that there was no question about it at all, and the Senator from Utah [Mr. Smoot] so asserted upon the floor of the Senate on February 19, 1930.

Mr. President, the bill then went to conference, and after the conferees reported to the Senate a point of order was raised against the cheese paragraph by the senior Senator from Kentucky [Mr. Barkley], and the point of order was sustained. The bill again went back to conference, and it was at that time that the conferees reduced the specific rate and the ad valorem rate on Swiss cheese below the rates of the present law. They give as their excuse, at least it is the only excuse I have heard—and it is strange that they are not here on the floor to justify their action—that the experts of the Tariff Commission stated that the descriptive terms are not sufficient to identify the cheese. That statement, according to the conferees, was made in the lobby just beyond that door of the Senate [indicating], in the presence of not more than one conferee, but in the presence of Chester Gray and Mr. Holman.

Mr. President, I was not at that conference, but I repeat what I have said that, in my opinion, the experts of the Tariff Commission sitting at the side of the chairman of the Finance Committee on February 19 told the truth about it at the time when the question was raised on the floor of the Senate, at a time when that question was material, and I now say I doubt if it could be shown under proper examination that those experts have changed their minds. If they have, then, Mr. President, how are we to trust the Tariff Commission?

What confidence are we to repose in the employees of the Tariff Commission? What assurance of accuracy has the Congress of the United States when those experts come before the committees and sit beside the chairman of a committee and inform him, and inform the Senate through him, of their opinion?

Mr. President, if those experts have changed their minds, then the time has come when the ordinary citizen will lack confidence in his Government and in the institutions set up under his Government for the administration of the law.

Mr. WATSON. Mr. President, will the Senator yield?

Mr. BLAINE. I am just about through.

Mr. WATSON. Will the Senator yield about this cheese matter?

Mr. BLAINE. Yes; I yield.

Mr. WATSON. I just came in the door. I have been so busy that I could not hear the Senator. I understood him to say that this matter concerning the cheese rate was not brought up in the conference. Did the Senator say that?

Mr. BLAINE. Oh, no!

Mr. WATSON. I thought I understood the Senator to say that.

Mr. BLAINE. Oh, no; I did not say that.

Mr. WATSON. I brought it up myself in the conference, and the experts said it could not be administered.

Mr. BLAINE. Mr. President, I desire to ask the Senator, who was a member of the conference committee, what expert said that?

Mr. WATSON. There were two of them there. I do not know their names.

Mr. BLAINE. The same two who sat beside the Senator from Utah [Mr. Smoot] during the consideration of this question on February 19?

Mr. WATSON. I think so.

Mr. BLAINE. Exactly; and on February 19 they said it could be done.

Mr. WATSON. All I know is that when the matter was brought up in the conference committee we discussed it at some little length, and I will say to the Senator that I raised the question myself and the experts both said it could not be administered, and we just took that for granted.

Mr. BLAINE. What did they mean by the statement that it could not be administered? I do not know what they meant. Will the Senator enlighten the Senate in that respect?

Mr. WATSON. They meant that there was such conflict between the different kinds of cheese mentioned in the bill—I do not know the names of all those different kinds of cheese—that it could not be administered; secondly, that on account of the conflict between what was in the House bill and what was in the Senate bill it was not in order and could not be put in order. That is my recollection of the statement.

Mr. BLAINE. Mr. President, I am astounded at the confession of the Senator from Indiana that he has permitted two

experts from the Tariff Commission to cause him so lightly to betray the dairy interests of this country.

Mr. WATSON. No; the Senator is entirely wrong about that. I was as much for this tariff on cheese as he was.

(At this point Mr. BLAINE yielded to Mr. ROBINSON of Arkansas, and an agreement was reached to vote upon the conference report on Friday next.)

The VICE PRESIDENT. The Senator from Wisconsin is entitled to the floor and will proceed.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. BLAINE. I yield.

Mr. COPELAND. I did not have the pleasure of hearing all the Senator said to-day. If I understand it, the conferees took the position that the Senate amendment about cheese could not be retained in the bill because of the difficulty of administration. Is that correct?

Mr. BLAINE. That is my understanding.

Mr. COPELAND. Does not the Senator recall that when I offered the amendment relating to the foreign cheeses, those made of sheep's milk, we discussed the matter at considerable length, and did not the Senator from Utah agree that the amendment as I offered it was one which would probably be capable of administration?

Mr. BLAINE. The Senator not only said it was capable of administration, but asserted that the experts who sat beside him—and there were two experts there—had informed him that it could be administered. Not only did those experts advise the chairman of the committee that there would be no difficulty about it, but they advised me so. It was during the colloquy on the Senator's amendment, he will recall. I have already quoted from the RECORD the statement made by the chairman of the Finance Committee. So there was no question about it at the time. It was thoroughly discussed, thoroughly analyzed, the experts had considered the matter. Not only had they considered it while the matter was under discussion on February 19, but they considered it subsequent to the adoption of the Senator's amendment, and prior to the consideration of the second amendment the Senator offered on March 12, and on March 12, after they had had some 20 days to consider it, there was no question about it.

Mr. COPELAND. What has happened that it is made impossible now to recognize in commerce Feta White and pickled cheese, different from anything we make in this country, and Pecorino and the other foreign cheeses, which any expert, indeed, one who is a nonexpert, might readily distinguish from American cheese? What has changed the attitude of the authorities?

Mr. BLAINE. As a matter of fact, so far as those cheeses are concerned, and so far as their description is concerned, and so far as the facts in connection with their identification are concerned, nothing has happened. What happened in the conference committee the senior Senator from Indiana [Mr. Watson] was attempting to state, but he did not state it very clearly. I thought he was somewhat confused about it. I think so now, I say without intending to reflect upon the Senator at all.

I do not think the matter has been given very much consideration. A conference was held just outside of the Senate door on yesterday where, it is said, the two experts were present, and they said it could not be administered. But that is not the place to determine tariff legislation.

Mr. COPELAND. Mr. President, if the Senator will bear with me for a moment, I think it is manifestly unfair, after we have passed through the Senate an amendment to the tariff bill lowering the rate upon these cheeses, to have the conference committee come back with a report which materially increases the rate on those particular cheeses. Everybody who knows anything about the subject at all knows that it is easy to differentiate between these various types of cheese, and I can see no reason at all why the conferees should have yielded on that point.

Mr. BLAINE. Let me call the Senator's attention to the fact that it does increase the rate on the cheese to which the Senator refers. That cheese trickles in in very small quantities, and the conferees increased the rate on that type of cheese. But they reduced the rate on American-made cheese with respect to which there is substantial competition. So it hurts both ways.

Mr. COPELAND. If the Senator will recall, I was perfectly willing that there should be this rate on American cheese. My anxiety was merely to lower the rates on those types of cheese which are not in competition with American cheese, and which never can be, and by reason of the high rates thousands of citizens of this country will be called upon to pay a materially increased price for cheese without protecting the American industry one single iota. That is the situation exactly.



Mr. BLAINE. The Senator states it exactly. Yet the conferees are going to permit all the way from 14,000,000 to 20,000,000 pounds of cheese competitive with American manufactured cheese to come in from foreign countries and thereby deprive certain American cheese producers of protection to which they are entitled under the theory advocated by the chairman of the Finance Committee.

Mr. SMOOT. Mr. President—

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Utah?

Mr. BLAINE. I yield.

Mr. SMOOT. There are some statements made here which are a mistake, as I read the RECORD. I want to read it and call attention to the Senator's mistakes.

Mr. BLAINE. I do not want to be interrupted at this time for that purpose. I shall be willing to have the Senator do that later.

The VICE PRESIDENT. The Senator from Wisconsin declines to yield.

Mr. SMOOT. I do not have to ask the Senator to yield.

Mr. BLAINE. I ask the Senator to wait. I want to make this suggestion about the Senator's statement. The cheese described in the amendment which the Senator from New York [Mr. COPELAND] succeeded in having adopted by the Senate is well known to the Treasury Department. They list the importations for each year. They have the total importations, the total value, the value per pound, and every detail with reference to every one of these types of cheese. The Treasury Department have those details.

Mr. SMOOT. With the exception that under existing law they do not have to say whether it is goat's milk or cow's milk.

Mr. BLAINE. I know they do not have to say that.

Mr. SMOOT. They do not know it.

Mr. BLAINE. There is no need of saying it, because the fact is that the cheese is made out of sheep's milk.

Mr. SMOOT. The Senator is mistaken. In Switzerland they make it partly of goat's milk and partly of sheep's milk. In some seasons of the year one other country makes it in the same way. Sometimes it is made wholly of goat's milk and sometimes it is made half of goat's milk and half of sheep's milk. No human being can tell which it is, I believe.

Mr. BLAINE. The cheese to which the Senator from New York [Mr. COPELAND] referred and included in his amendment is cheese made wholly out of sheep's milk. It has a trade name; it has a trade designation; it has characteristics by which it can be easily identified. The experts of the Tariff Commission so told the chairman of the Finance Committee sitting in his seat, while they were in the seats beside him, and they informed me to the same effect, and we depended upon that information. The Tariff Commission experts told the truth then. They stated the facts then. What is being attempted now in this matter is to get away from what the plain facts are and build up an excuse for the conference report.

I yield now to the Senator from Utah.

Mr. SMOOT. Mr. President, I want to comment on the Senator's remarks. I want to read them, and I will comment on them as I read them. I read now from the Senator's remarks on the floor of the Senate this afternoon, as follows:

Let me pursue the record a little further. The purpose of outlining the record as I have and entering upon a detailed discussion of the matter is for this reason, and I want to be perfectly frank. The conferees now say that the reason why they have reduced the tariff on Swiss cheese below the present tariff rate is because the expert from the Tariff Commission advises them that the cheese made exceptional in the cheese schedule in the Senate bill was not sufficiently described for administrative purposes. But whatever the tariff experts may say now, it was not said on the floor of the Senate, it was not said before the conferees during their conferences, but it was said at a meeting out in the corridor of the Senate just beyond the door of the Senate Chamber in the presence of Mr. Chester Gray.

Chester Gray, the water-power lobbyist here, was consulted. A fellow by the name of Holman, a fake representative of the farmers, was out there yesterday. They were called in conference with the experts from the Tariff Commission in the presence of the chairman of the Senate conferees, who is also chairman of the Senate Finance Committee. It was there in this improvised conference with Mr. Gray, the water-power lobbyist, and Mr. Holman, the fake farm representative, and the experts from the Tariff Commission and the chairman of the Finance Committee when the tariff experts evidently changed their views.

I have not had the opportunity to converse with the tariff experts since the amendment was adopted, but, Mr. President, I say on the floor of the Senate that I doubt if the tariff experts would dispute what

they said to the chairman of the Finance Committee and said to me while we were deliberating upon the amendment.

Mr. President, I want to say that in the conference when the question arose as to what the conferees should do, the House conferees asked the tariff experts be sent for to appear before the conferees, and they did appear before the conferees. Mr. Juve and Mr. Lourie were there and answered questions of the conferees on the part of the House, and stated positively that it was impossible to administer it; that they had information that at certain seasons of the year this cheese was made partly of cow's milk and partly of goat's milk, and that if the provision was not changed then there would be difficulty in administration; that it would be impossible to impose the duty as provided for in the Senate amendment.

As to Mr. Gray and Mr. Holman, they came here yesterday morning and sent their card in stating they wanted to see me. I went out and met them. I then came in and asked the Senator from Idaho [Mr. THOMAS] and we went out to see the two gentlemen. They objected to the action of the conferees. I stated just exactly what the experts had told the conference. Then I sent for the two experts from the Tariff Commission. I myself telephoned and had them come, and neither Mr. Gray nor Mr. Holman had anything whatever to do with it.

We met outside and there discussed the question. The experts of the Tariff Commission told Mr. Gray and Mr. Holman that the provision was absolutely impossible to administer. The House conferees believed their statement before when made to them, and the only compromise that we could make with the House conferees was that contained in the report which comes here as submitted by the conferees and which is now before the Senate.

There is a complaint here that the rate on a certain cheese called Feta White was too high, that it was altogether too high. Then under the arrangement we had to reduce it and did reduce it in the Senate, and yet when we went back to conference, if we had undertaken to change it, a point of order would have been made against it.

I want to say to the Senator from New York, Mr. COPELAND, and to all other Senators here that I was perfectly willing to and did stand by the rate as provided by the Senate, but the information which the conferees had was as I have stated, and we could only get the best we could out of it, and that is what we did.

What is the rate on this cheese to-day? It is 5 cents a pound and 25 per cent ad valorem. What does the conference report show we made the rate? Seven cents a pound, an increase of 40 per cent, and 35 per cent ad valorem instead of 25 per cent. We took care of the farmer in that respect; we took care of him very well; and yet if the Senate conferees could have insisted upon and obtained a rate of 8 cents a pound and it could have been administered, we would have stood out for the 8-cent rate. There is no intention on the part of the conferees otherwise than to give the farmer everything that we could get under the conditions existing.

That is the situation, no matter what the Senator from Wisconsin may charge me with personally or how foolish I have been or how unwise, or even untruthful, if the Senator wants to go that far. I say to the Senator these are the facts in the case. We have done the best we could under the rules of this body. For that reason I hope the Senate of the United States is not going to send the bill back to conference.

Mr. BLAINE. Mr. President, I do not suppose it is very important as affecting the issue in this matter whether the Senator from Utah had a conference yesterday with Chester Gray, a water-power representative, and Mr. Holman, a fake farm representative.

Mr. SMOOT. If they had sent in for the Senator from Wisconsin—

Mr. BLAINE. Wait a minute! I want the opportunity to say this and I am going to state it. The Senator from Utah can take it as he chooses.

Mr. President, I regret very much that it becomes necessary for me to give personal testimony, but I am going to state it in view of what the Senator from Utah stated.

On yesterday morning the Senator from Utah was occupying a seat just to my right and in the rear of the Chamber. I went to the Senator from Utah and raised this question. Another Senator then suggested if that were the case, if this cheese was definitely and particularly described and the provision could be administered, he would vote to recommit, and that he knew of other Senators who would vote to recommit. He said, "The only question with me is whether or not the Tariff Commission experts will now state that the description



is insufficient." Thereupon the Senator from Utah asked an assistant to have the tariff experts come to the Capitol.

It was well understood that the Senator from Wisconsin, myself, was to have been present when that conference was had by the chairman of the committee and the Senator from Idaho [Mr. THOMAS] with the two experts from the Tariff Commission. It was understood that the Senator from Wisconsin was to have been present at that conference, but the Senator from Wisconsin knew nothing about when the conference was held or where the conference was held until after it had adjourned. He was then advised by the junior Senator from Idaho [Mr. THOMAS] that the conference had been held and that the experts had left the Capitol.

Mr. SMOOT. I want to say to the Senator—

Mr. BLAINE. Just a minute! If personal testimony is to be introduced in the debate, I want to suggest that those are the facts and I want them to stand of record. I do not know as it is material.

Mr. SMOOT. But it is material, because I want to say to the Senator now that he never asked me to attend a conference, and I never said to the Senator that he would be in the conference. I never knew until this very moment he wanted to be in the conference.

Mr. BLAINE. Of course, I did not ask the Senator to attend the conference, nor did the Senator ask me to attend the conference.

Mr. SMOOT. That is right; and I did not know the Senator wanted to attend the conference, or he could have been there.

Mr. BLAINE. But the Senator knows that the suggestion had been made and that the bill was threatened with defeat or at least with reference to the committee. It was then suggested by the Senator from Utah that the tariff experts come down to the Capitol. It was expected, of course, that I was to confer as well.

Mr. SMOOT. I did not so understand it.

Mr. BLAINE. Then how would I know? How was I to be informed as to their positions? How could the Senator from Wisconsin know what their position was except through the second-hand word of some one else? Mr. President, in all good faith, the Senator from Utah well knew that the Senator from Wisconsin should have been in that conference, that he might question the experts.

Mr. SMOOT. I deny the statement. I did not know the Senator wanted to be there. I repeat, I did not know the Senator wanted to be there, but so far as I am concerned I would have been glad to have the Senator there to consult with the experts. There was not one single thought in my mind or soul to keep the Senator away. If he had even intimated such a thing, he would have been there.

I wish to say to the Senator now that my conscience is as clear in this matter as on anything that I ever did in my life. I never tried in any way to take advantage of the Senator, nor have I done so during this entire tariff discussion, and I do not propose to do so hereafter.

Mr. BLAINE. Mr. President, as I have said, it may not be important whether there was or was not a conference, or whether or not the Senator from Utah called for the tariff experts, or whether or not I was at that conference. The fact, however, is that the tariff experts were called; the Senator from Utah was in their presence at a conference which Mr. Chester Gray and Mr. Holman attended. The Senator from Wisconsin knew nothing about either the time or the place where that conference was held; he was not advised of the time or of the place where it was to be held, although it was the Senator from Wisconsin who raised the question with the Senator from Utah, and, in all good faith, the Senator from Wisconsin should have been informed so that he might have inquired into the change of mind of the tariff experts if they had changed their minds, and why they had changed their minds.

Mr. SMOOT. The Senator from Wisconsin is again mistaken. It was the Senator from Idaho [Mr. THOMAS] who first spoke to me about the matter. I knew nothing about it. The Senator took me out of that door to meet Mr. Chester Gray and Mr. Holman. Those are the facts.

Mr. BLAINE. A dozen Senators may have spoken to the Senator from Utah, but what I have said the Senator does not deny. The Senator knew full well—of course he knew—that the Senator from Wisconsin had presented the amendment which was under consideration in conference; he knew that the Senator from Wisconsin was aware that he was going to call the tariff experts, and that there was going to be a conference. Did the Senator from Utah imagine that the Senator from Wisconsin was no longer interested in the matter? Can he say now that it was in good faith that he overlooked notifying the Senator from Wisconsin of this very important conference? Yet he was willing to hold a conference with Chester Gray and Mr.

Holman; they were not omitted from the conference. I am not contending that it is of vital importance whether or not that conference was held. It merely sheds some light upon the methods by which this tariff bill has been written.

Mr. President, I now want to turn my attention to the attempted explanation made by the senior Senator from Indiana [Mr. WATSON]. I had begun that when I was interrupted by the chairman of the Committee on Finance, the Senator from Utah. The Senator from Indiana was somewhat confused about the situation. He did not throw much light upon it. The excuse now made for the report of the conferees on this item is that they followed the advice of some experts from the Tariff Commission; but the conferees on the majority side knew when those vital amendments affecting the writing of the cheese schedule were offered that the same tariff experts had advised the Senator from Utah that there would be no difficulty about the administration of the amendments offered by the Senator from New York.

Mr. President, if the tariff experts have changed their minds, I want to suggest that it raises a grave problem of the competency of those experts; it raises a question of whether or not the Tariff Commission is to be trusted. Indeed, Mr. President, if important Government agents are to come and advise Members of the Senate and the Finance Committee respecting technical matters concerning a tariff bill and then, after the tariff bill has been amended in conformity with their advice, they change their minds, there is something in such action that raises grave suspicion against an administrative body and against such experts as to their change of minds.

Moreover, Mr. President, as to what those tariff experts now claim—and I was not there when they made the claim; I should like to have been present to examine those gentlemen—I express some doubt. Of course, tariff experts may give qualified advice, but there was no qualified advice given on February 19, nor on March 12, 1930, when the tariff bill was before the Senate.

Furthermore, Mr. President, whatsoever might have been the cause of their change of opinion does not affect the facts of the case. The Tariff Commission placed in my hands before we voted upon the agricultural schedule a statement of the various types of cheese, of the quantity imported, of the price, and information was at hand as to the characteristics of the different types, from which statement anyone outside of a home for feeble-minded would have no difficulty in determining the types designated by the Senator from New York. Yet, Mr. President, the conferees have disregarded the facts. They were quite willing to let the highest rate possible, compensatory and protective, be given to special interests seeking special privileges from the Government; the conferees had no difficulty in working out descriptive terms of commodities in which those special interests were concerned; the conferees did not need to call into conference any Grays or Holmans or anybody else when they wanted to put into effect the highest compensatory rates and the highest protective rates on commodities produced by industrial concerns; yet when it comes to the greatest industry in America the conferees are willing to admit their indifference by blaming subordinates of the Tariff Commission.

Ah, Mr. President, when the interests of agriculture are at stake, when the conferees heard suggestions about putting agriculture on a parity with industry, their zeal cooled, and the easy manner of escape was to place the blame upon two subordinates on the Tariff Commission. That is unfair to those subordinates, but I am not going to discuss that question. The record of the writing of this tariff bill demonstrates that the conferees' zeal was at white heat when it came to the question of granting compensatory rates and protective rates to special interests.

Mr. President, there are a great many provisions in the bill that ought to be corrected. I am perfectly willing to remain here, all summer if necessary, in an attempt to produce a just, fair, and equitable tariff measure.

It must be understood that when this bill passes it is going to be the law of the land for many years. The burden that is to be placed upon the backs of the American people is not for one year alone. It is a continuous burden. It is a burden that the great majority of our people will feel keenly every day; and it is a burden brought about in part, at least, as I have outlined this afternoon, by methods and procedure that ought to be condemned.

#### EXECUTIVE SESSION

Mr. LA FOLLETTE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business in open session.

## EXECUTIVE MESSAGE REFERRED

The VICE PRESIDENT laid before the Senate a message from the President of the United States nominating Edward T. Franks, of Kentucky, to be a member of the Federal Board for Vocational Education (reappointment), which was referred to the Committee on Education and Labor.

The VICE PRESIDENT. Are there reports of committees? If there are no reports of committees, the calendar is in order.

## THE JUDICIARY

The legislative clerk announced the nomination of Raymond U. Smith to be United States attorney, district of New Hampshire.

The VICE PRESIDENT. Without objection, the nomination is confirmed, and the President will be notified.

The legislative clerk announced the nomination of Olaf Eidem to be United States attorney, district of South Dakota.

The VICE PRESIDENT. Without objection, the nomination is confirmed, and the President will be notified.

The legislative clerk announced the nomination of Chester N. Leedom to be United States marshal, district of South Dakota.

The VICE PRESIDENT. Without objection, the nomination is confirmed, and the President will be notified.

## POSTMASTERS

The legislative clerk proceeded to announce the nominations of sundry postmasters.

The VICE PRESIDENT. Without objection, the nominations of postmasters are confirmed en bloc, and the President will be notified.

The Senate will resume the consideration of legislative business.

## REVISION OF THE TARIFF—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes.

Mr. LA FOLLETTE obtained the floor.

## RECESS

Mr. McNARY. Mr. President, I move that the Senate take a recess until 12 o'clock to-morrow.

The VICE PRESIDENT. Does the Senator from Wisconsin yield for that purpose?

Mr. LA FOLLETTE. I yield for that purpose.

The VICE PRESIDENT. The question is on the motion of the Senator from Oregon.

The motion was agreed to; and (at 4 o'clock and 35 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, June 11, 1930, at 12 o'clock meridian.

## NOMINATION

*Executive nomination received by the Senate June 10 (legislative day of June 9), 1930*

## MEMBER OF THE FEDERAL BOARD FOR VOCATIONAL EDUCATION

Edward T. Franks, of Kentucky, to be a member of the Federal Board for Vocational Education for a term of three years from July 17, 1930. (Reappointment.)

## CONFIRMATIONS

*Executive nominations confirmed by the Senate June 10 (legislative day of June 9), 1930*

## UNITED STATES ATTORNEYS

Raymond U. Smith, district of New Hampshire.

Olaf Eidem, district of South Dakota.

## UNITED STATES MARSHAL

Chester N. Leedom, district of South Dakota.

## POSTMASTERS

## GEORGIA

William B. Allen, Talbotton.

## LOUISIANA

Mary K. Roark, Marion.

Agnes Champagne, Raceland.

William T. Norman, Winnfield.

## MAINE

Charles E. Davis, Eastport.

## NEW JERSEY

Nicholas T. Ballentine, Peapack.

Ross E. Mattis, Riverton.

Jennie Madden, Tuckahoe.

## NORTH CAROLINA

George E. Brantley, Mooresville.

## PENNSYLVANIA

John R. Jones, Conway.

Joseph M. Hathaway, Rices Landing.

Dan W. Weller, Somerset.

## SOUTH CAROLINA

Charles L. Potter, Cowpens.

## VIRGINIA

Edward M. Blake, Kilmarnock.

## WISCONSIN

Lloyd A. Hendrickson, Blanchardville.

Burton E. McCoy, Prairie du Sac.

## IN THE HOUSE OF REPRESENTATIVES

TUESDAY, June 10, 1930

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Father of mercies, for life and all it means to us we render Thee our humble thanks. Unfold unto us such truth that may give us a wise impulse in the right way. May it spring up, multiply, and bring forth fruit a hundredfold in every heart. O what bounty there is in Thy mercy and what rapture in Thy approval! If we have failed, bring us back to eager ambition for things right and high. Turn back the tides of ignorance and do away with the vices and the crimes that afflict men. Everywhere let intelligence, virtue, and self-control prevail. In disputation may self never break up and give way. Go before us through tumult, through clouds of doubt and creeds of fear, and let the light, calm and clear, break in. Amen.

The Journal of the proceedings of yesterday was read and approved.

## ADDRESS OF HON. ANTHONY J. GRIFFIN, OF NEW YORK

Mr. GARNER. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. GRIFFIN] may have leave to extend his remarks in the RECORD by inserting a speech which he made last Saturday.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GRIFFIN. Mr. Speaker, under the leave to extend my remarks I include my address to the graduates and the alumni of the Cooper Union at the Masonic Hall, New York City, on Saturday, June 7, 1930. The address is:

## THE CONSENT OF THE GOVERNED

Mr. President, Doctor Cutting, and fellow alumni, it gives me great pleasure to greet the graduates and the alumni of the Cooper Union. Dedicated to the teaching of "Whatsoever things are true"—a maxim selected from the Scriptures by its noble founder—it was to be expected that this great institution of learning should concentrate on science.

For science is truth arrayed in order. When we speak of science we must keep in mind that it is broad; it is expansive; it is deep. It takes in all the realms of human activity. It is literature; it is art; it is poetry. It takes the eye of man into the depths of the earth and extends his vision to the remotest reaches of the universe.

The training in clear and logical thinking incident to such a course as this institution gives can not help but be useful in any profession, as well as being a valuable asset in carrying on the duties of citizenship. I urge you not to become so much absorbed in the routine of your private vocations as to forget the obligations you owe to your city, to your State, and to the Nation.

Remember this country is essentially and fundamentally a democracy, or at least founded on democratic ideals, and for a democracy to succeed its citizenry must have the instinct of order coupled with knowledge.

## EVOLUTION OF DEMOCRACY

The Declaration of Independence fixed for us the principles of true democracy. Those principles are the real foundation of our Republic. It was broad and sufficient for the erection and expansion of a great structure of democratic government. We must not evade the truth that we have not built on all its principles. Like a vast cathedral, the processes



of construction have been slow and gradual, and even after 150 years the structure is still expanding.

Our Declaration of Independence expressed the mind of the Colonies in revolt. By the time our Constitution was written a reaction had set in. The ancient fear of democracies had time to revive and the idea of intrusting the so-called common people with a share of the responsibility of government seemed radical and unsafe. Although the Declaration of Independence declares that "all men are created equal," the old colonial laws making them unequal remained in force for many years. No sooner had Jefferson committed those pregnant words to paper than a host of political reactionaries, entirely misapprehending their purport, undertook to assail the principle involved in them. But utterly without justification. The meaning of the term is explained by the context of the instrument itself. The whole sentence in which this moot question is to be found reads as follows: "We hold these truths to be self-evident—that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness." In other words, the import of this is that they are equal in the eyes of the law; equally entitled to its protection so long as they behave and equally subject to punishment under the law when they misbehave.

#### CONSENT OF THE GOVERNED

But the Declaration of Independence goes further in defining the rights of citizenship. It says "to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed."

What else does "consent of the governed" mean than that the citizens shall be consulted not only in the selection of their governors but in the framing of the laws by which the country shall be governed?

It is in the application of this great fundamental principle of the Declaration of Independence that we strike the first snag and observe the strange inconsistency that the very people who were to be governed were deprived of the right of franchise. In every one of the 13 Colonies there were property qualifications and other restraints and limitations of their rights of suffrage. It was not until 1824 that manhood suffrage was generally established. In the presidential election of 1824 the popular vote was only 356,038. In 1828, when General Jackson was elected, the popular vote was 1,155,350. But even then and many years after manhood suffrage was confined only to the white race. The extension of the principle to the colored race was beaten out into a doctrine by the great Civil War, which brought about the fourteenth and fifteenth amendments.

#### SUFFRAGE NOT UNIVERSAL

Even then the principle of suffrage was not universal. The franchise was not given to women until the nineteenth amendment was adopted within recent memory. Thus you see how fundamental principles and their application to the structure of government are evolutionary rather than revolutionary and make progress slowly in gradual stages.

#### ADOPTION OF TREATIES

As a further example of this, let us take the method of adoption of treaties. The Constitution itself provides that treaties are the law of the land. That being so, when we observe that the founders of the Constitution took great pains to create a legislative branch of the Government we naturally ask why it was that in the making of treaties they should have deprived the popular branch of the Congress of this important prerogative.

Under the Constitution treaties are required to be made by the President with the consent of the Senate. It would have been just as easy to have added the words "and the House of Representatives." This discrimination must be attributed to the common inertia that has characterized statesmen in all ages. They have ever been reluctant to step forward. Being mostly lawyers, they are overpowered by precedents and hampered by reverence for old forms and practices. They could not drive out of their minds the illusion that treaties should be made between potentates and not between peoples. They clung fast and long to this ancient practice and felt that it was indispensable, even though it was so obviously inconsistent with the principles upon which the new Republic was founded.

#### THE GOVERNED SHOULD DEMAND THAT THEIR CONSENT TO TREATIES SHOULD BE REQUIRED

This divergence between principle and practice has always struck me as being not only inconsistent but actually dangerous to the stability and security of the Nation. Having that notion as far back as 1918, I introduced a constitutional amendment giving to the House of Representatives an equal say in the ratification of treaties. There is no earthly reason to be found in the history, in the traditions, or in the policy of this Nation which should prevent the adoption of the amendment. Yet, it makes no progress and will perhaps make no progress until the public opinion of the country is aroused to the importance of making a practical application of the principle involved in the term "consent of the governed."

#### DIRECT VOTE OF PEOPLE FOR CONSTITUTIONAL AMENDMENTS

Another example of the failure to reach the acme of popular government envisioned by the patriots who framed the Declaration of Independence is the roundabout, awkward, and unsatisfactory method of adopting amendments to the Constitution. Here, if anywhere in our system of government, is a broad invitation to submit constitutional amendments to the direct vote of the people.

This is another proposal that I have been working at for the past 12 years. I introduced a proposed amendment to the Constitution providing that all constitutional amendments should be submitted to a direct vote of the people. If that were the law to-day, we would have no occasion for "Literary Digest polls"!

Reverence for old forms and traditions, coupled with an inherent mistrust of popular opinion, has blocked the progress of this resolution. But we may be nearer to its adoption than our pessimism will permit us to think.

I believe there is a rising tendency, as truly American as it is democratic, which will demand that the promises and the ideals of the Declaration of Independence shall be given their fullest application. If a people are not fit to be intrusted with the referendum, they are not entitled to citizenship. To deny the American people the right to participate in the making of their laws is to flout their intelligence and reflect on the wisdom of the founders of our Government.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that, following the disposition of the present special orders that have been made, I may be permitted to speak to the House for five minutes only.

The SPEAKER. The gentleman from Nebraska asks unanimous consent that, following the special orders respecting the gentleman from New York [Mr. FISH] and the gentleman from Missouri [Mr. HOPKINS], he may address the House for five minutes. Is there objection?

Mr. TILSON. Mr. Speaker, reserving the right to object, were not these requests for time contingent?

Mr. HOWARD. For the information of the gentleman from Connecticut, I will say that I predicated my request upon the assertion of the gentleman that they were going ahead with them, else I had not made it.

Mr. TILSON. The gentleman's request is contingent upon the disposition of the other requests?

Mr. HOWARD. Yes.

The SPEAKER. On examination the Chair finds that the first two requests were not contingent, but the request of the gentleman from Missouri [Mr. DYER] in behalf of the gentleman from Missouri [Mr. HOPKINS] was contingent.

Mr. GARNER. I recall reading from the RECORD that the gentleman from New York [Mr. LaGUARDIA] waived his right if we were to spend the entire day on the Consent Calendar.

Mr. LaGUARDIA. That was the other day.

Mr. GARNER. I thought it was for this morning, reading the RECORD of this morning.

Mr. LaGUARDIA. When the gentleman from Michigan suggested that I might have time, I said mine was not contingent. The RECORD is wrong in that respect.

The SPEAKER. The RECORD does not show that there was any condition attached to the request either of the gentleman from New York [Mr. LaGUARDIA] or the request of the gentleman from New York [Mr. FISH].

Mr. LaGUARDIA. Mr. Speaker, if it would facilitate matters I would be glad to change my request and make it 4.45 o'clock.

Mr. CRAMTON. Make it 5.

Mr. STAFFORD. There might be a point of no quorum made before that.

Mr. CHINDBLOM. Mr. Speaker, how was this unanimous-consent request matter ended?

The SPEAKER. It is entirely at the option of the gentlemen concerned.

Mr. TILSON. Does the Speaker rule that so far as the requests of the gentlemen from New York and Missouri are concerned they were not contingent upon the Consent Calendar being considered?

The SPEAKER. The request of the gentleman from Missouri was contingent, but the requests of the two gentlemen from New York were not contingent.

Mr. DYER. Mr. Speaker, I ask unanimous consent to vacate the first order with reference to the gentleman from Missouri [Mr. HOPKINS]. We hope he may have time by consent later.

The SPEAKER. Is there objection?

Mr. DYER. To be vacated as to to-day, and that he be given 15 minutes to address the House on Thursday.

The SPEAKER. The gentleman from Missouri [Mr. DYER] asks that, following the address of the gentleman from New York, the gentleman from Missouri [Mr. HOPKINS] may be permitted to address the House on Thursday.

Mr. DYER. Yes; that the special order be vacated for to-day and that the gentleman be permitted to address the House on Thursday.

The SPEAKER. The gentleman from Missouri asks unanimous consent that his colleague from Missouri [Mr. HOPKINS] be permitted to address the House on Thursday at the conclusion of the business on the Speaker's table.

Mr. CHINDBLOM. Reserving the right to object, Mr. Speaker—and I shall not object—I would like to inquire if it is not possible to let all these special orders go over until Thursday? We have this Consent Calendar to-day, and I do not know when we shall get it up again.

Mr. LA GUARDIA. I assure my colleague from Illinois that I would gain 30 minutes. I desire to go on.

The SPEAKER. Does the Chair understand that the gentleman does not desire to go on immediately?

Mr. LA GUARDIA. No; I do desire to go on immediately.

The SPEAKER. How about the requests of the gentleman from New York [Mr. FISH]?

Mr. TILSON. He is not present.

Mr. DYER. Mr. Speaker, I renew my request that the special order for my colleague from Missouri [Mr. HOPKINS] be vacated and that he be given 15 minutes to address the House on Thursday.

The SPEAKER. Is there objection?

There was no objection.

Mr. HOWARD. Mr. Speaker, what became of my request?

The SPEAKER. Inasmuch as the gentleman from Missouri [Mr. HOPKINS] will not address the House to-day, it will be necessary for the gentleman from Nebraska [Mr. HOWARD] to prefer another request.

Mr. HOWARD. Mr. Speaker, I understood the gentleman from New York [Mr. LA GUARDIA] was to go ahead.

Mr. LA GUARDIA. Yes.

Mr. HOWARD. I am asking that I may follow the gentleman from New York.

The SPEAKER. There is another special order.

The gentleman from Nebraska [Mr. HOWARD] asks unanimous consent that at the conclusion of the address of the gentleman from New York [Mr. FISH] he may address the House for five minutes. Is there objection?

Mr. DYER. Mr. Speaker, I think it would be unfair to my colleague [Mr. HOPKINS], after having been yielded time, to yield now to others. I ask the gentleman from Nebraska [Mr. HOWARD] if he will not ask for permission to address the House on Thursday?

Mr. HOWARD. It is an emergency matter.

Mr. DYER. I do not object.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

GEORGE W. POSEY

Mr. HALL of North Dakota. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 1086) for the relief of George W. Posey, with a Senate amendment, and concur in the Senate amendment.

Mr. TILSON. Mr. Speaker, what is the status of this bill?

The SPEAKER. It is a House bill with a Senate amendment. The gentleman from North Dakota asks unanimous consent to take from the Speaker's table the bill H. R. 1086, with a Senate amendment, and concur in the Senate amendment.

The Clerk will report the bill and the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 8, after "States," insert "as a private of Company A, Twentieth Regiment Wisconsin Volunteer Infantry, on the 24th day of August, 1862, and as a private of Company B, Thirty-fifth Regiment Wisconsin Volunteer Infantry."

The SPEAKER. Is there objection?

There was no objection.

The Senate amendment was agreed to.

#### REIMBURSEMENT FOR FLOOD-CONTROL WORK

Mr. RAGON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 8479) to amend section 7 of Public Act No. 391, Seventieth Congress, approved May 15, 1928, with Senate amendments, and concur in the Senate amendments.

The SPEAKER. The gentleman from Arkansas [Mr. RAGON] asks unanimous consent to take from the Speaker's table the bill H. R. 8479, with Senate amendments, and concur in the Senate amendments.

The Clerk will report the bill and the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, line 1, after "expenditures," insert "heretofore incurred or made."

Page 2, line 4, after "by," insert "the flood of 1927 or subsequent."

Page 2, line 8, after "tributaries," insert "or outlets."

The SPEAKER. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, the title did not tell us what the bill is about. Will the gentleman make a little statement about it?

Mr. RAGON. Yes. It is a House bill with Senate amendments.

Mr. CRAMTON. But what is it about?

Mr. RAGON. It is to reimburse parties who went ahead and built flood works before the flood control act of May 15, 1928, was passed.

Mr. CRAMTON. How much more does the Senate amendment cost?

Mr. RAGON. It does not cost as much. It is merely to confine the language.

Mr. TILSON. Mr. Speaker, the gentleman from Illinois [Mr. REID] spoke to me in regard to this matter to the effect that it is entirely satisfactory to him and to his committee.

Mr. CHINDBLOM. Mr. Speaker, I will say I have the same information, and I raised the question the last time the bill was considered.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Senate amendments were agreed to.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. LOZIER. Mr. Speaker, I ask unanimous consent that after the conclusion of the remarks of the gentleman from Missouri [Mr. HOPKINS], on Thursday next, I be permitted to address the House for 20 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Missouri [Mr. LOZIER]?

There was no objection.

#### TRAINING IN LAW OBSERVANCE

Mr. RAMSEYER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a thoughtful and instructive address by the Hon. George W. Wickersham, chairman of the National Commission of Law Observance and Enforcement, before the National Conference of Social Workers at Boston, on yesterday, on the subject of Training in Law Observance.

The SPEAKER. The gentleman from Iowa [Mr. RAMSEYER] asks unanimous consent to extend his remarks by printing an address delivered by Mr. George W. Wickersham on yesterday. Is there objection?

Mr. LA GUARDIA. Mr. Speaker, reserving the right to object, is that the speech in which Mr. Wickersham stated that prohibition should be brought about by education and not by the cruel application of vicious laws?

Mr. RAMSEYER. He did not state that, but it is an informative and instructive address which deserves a place in the CONGRESSIONAL RECORD.

Mr. LA GUARDIA. But in substance he said that?

Mr. RAMSEYER. No; not in substance. He did not say that in substance.

Mr. LA GUARDIA. The article will speak for itself.

Mr. RAMSEYER. That is it.

The SPEAKER. Is there objection to the request of the gentleman from Iowa [Mr. RAMSEYER]?

There was no objection.

Mr. RAMSEYER. Mr. Speaker, under leave to extend my remarks I present for printing in the RECORD an address delivered by the Hon. George W. Wickersham, chairman of the National Commission on Law Observance and Enforcement, before the National Conference of Social Work, at Boston, Mass., June 9, 1930. The address follows:

#### LAW ENFORCEMENT

Even a cursory inspection of the program of this conference is a liberal education for those who have not previously participated in such gatherings nor made it their business to study the great varieties of social-welfare activities now being carried on in this country.

What a rich feast is here spread out for those who are interested in the modern development of applied Christianity!

Who can fail to see in this program the repudiation of the cry of Cain, "Am I my brother's keeper?"

The list of subjects enumerated for discussion during the conference in itself testifies eloquently to the widespread recognition of the mutual responsibility of all members of society for the welfare of the whole.



It is not so long ago since such a meeting as this would have been called a conference of charity workers. The change to "social workers" has deep significance. It imports a recognition of the integration of society in the largest sense.

Wordsworth said (in the Prelude):

"There is one great society alone on earth:  
The noble living and the noble dead."

It is the society of the noble living we must think of as we read this list of the subjects of welfare work and the names of those whose lives have blessed the cause of working for the betterment of humanity in various fields which fill the pages of this program.

As one's eye follows the items on these pages he must wonder if there is any phase of human need that is not being attended to, any cry of human suffering that is not answered. Alas! sorrow and sin and shame and misfortune are common, despite the benevolence of the fortunate and the self-sacrificing devotion of those who, like Abou Ben Adhem, would be written of as those who love their fellow men.

Doctor Van Waters, in her address to the last national conference of social work, said:

"The subject matter of social work is the social, moral, and spiritual nature of man. It is not the form of the family we wish to conserve, but the spirit and substance."

And Mr. William Hodson, at the same conference, explained that the strength of the American Association of Social Workers is not measured by total numbers, nor by the growing solidarity of interest through professional organization. "It lies rather in the gradual acceptance of the social worker by the community as one skilled in the art of adjusting human relations, and the recognition that there is inherent in that skill a measure of authority and expert judgment in public-welfare questions."

Certainly there is need of skilled aid in adjusting or readjusting human relations and in conserving the spirit and substance of the family. Yet I can not help wondering how the spirit and substance are to be preserved without the form. Is not the form the outward and visible sign of that spirit to which Doctor Van Waters refers? In this age of general revolt against authority; of the impatience of youth at restraint; of the new freedom of women; in this age of the automobile and the airplane, when the counsels of religion so greatly have lost authority; when youth and age alike are perpetually on the move; when the cafeteria has succeeded to mother's kitchen, and the radio supplies through the ear as much of literary and spiritual pabulum as an inattentive and impatient mind is willing to receive, what place is there for either the spirit or the substance of the family?

What is the family as the social organism that was long regarded as the unit of human society? Husband, wife, and children make up the normal family, such as old Isaac Watts thought of when he wrote:

"Birds in their little nests agree;  
And 'tis a shameful sight  
When children of one family  
Fall out and chide and fight."

In the larger sense, prevailing in continental European countries, the family is the association of all the living males of a common ancestry, with their wives and children. In this sense we never have had families in America. But in the more restricted meaning the family and the home where it dwelt, until recent times, was the accepted unit of American life. Politicians still orate about "the home," ignoring the fact that the home and the family alike virtually have disappeared. The modern idea of home has been well expressed as the place one goes to from the garage.

How could "the family" persist when to all the other elements that destroy stability is added the increasing frequency of divorce?

Do not all the social workers know how large a proportion of juvenile delinquents come from "broken homes"?

So the social worker to-day engages in the task of adjusting and readjusting social relations with far less aid than ever before from the authority of the church, the precepts of religion, or the cohesive force of family relation.

But by that same token the sheer difficulty of the task must attract a body of abler, bolder, more courageous workers than those who could call upon the authority of revealed religion and parental control to subdue the fractious or console the unfortunate.

If the church has lost authority, however, the essential principles of Christianity, the application of that same spirit that animated the good Samaritan, never have been more widely applied in dealings between men. If the family as an organization of those of common stock has been dissipated by the restlessness of this age of movement, the conception of all human society as a family, with the reciprocal duty of responsibility and service among its members, has succeeded to the responsibilities and the duties of the smaller group, with the corresponding right to the loyalty, obedience, and support of its members.

The primary task of the modern social worker is, then, as it seems to me, to bring home to all people the actualities of this great change in social life. As Doctor Van Waters said, "The function of the new [social] morality is not to terrorize man but to vitalize him." Too much of the older methods of social control depended upon the use

of fear—in this world and in the hereafter. The problem to-day is to bring home to everyone the realization that in this enlarged family, which is modern society, every man and every woman owes a duty to every other; that the welfare of each is bound up in that of all; that the right to the pursuit of happiness, to life, liberty, and property, depends upon the observance of this rule of reciprocal duty; and that those who will not play the game according to the rules from time to time made by the social organism for the conduct of its life must not complain when they are denied the privileges and rewards secured to those who do.

Thus the problem has become one of education—in the broadest sense of that term. The new education, as Dr. Lawrence A. Averill has written in the April issue of *Mental Hygiene*, aims at the development of the individual. It manifests a keen interest in the health of the individual child.

"Little by little," says Doctor Averill, "school health work is being changed from a mere routine inspection that misses all save the most glaring defects to a careful and methodical system of safeguarding and protecting the physical organism of the future citizen and worker through preventive measures. \* \* \* The movement for mental health, too, is making rapid strides in many communities that are impressed with the tremendous possibilities of forestalling and preventing emotional and personality maladjustments, and already child-guidance clinics are available to thousands of children in the United States. \* \* \* The whole idea of prevention is basically behind this movement—prevention of physical disease and abnormality, prevention of unfortunate attitudes and habits on the part of both parent and child, and prevention of deficiency, underprivilege, and maladjustment generally."

This enlarged conception of education, when accepted by the State and applied by qualified teachers and workers, is giving to children a greater and more intelligent care and supplying them with far better preparation for their mature life than was furnished by the home and the family of earlier days.

This new education is based upon the recognition—so late a development in the concepts of organized society—of the preeminent value to the community of healthy, sane-minded children. The children are the greatest assets of the State, from every point of view. Perhaps one-half of the money expended by organized society in maintaining the delinquents, the injured and the diseased, the incompetent and the indigent aged, would be saved if an adequate sum were expended yearly for the physical, mental, and moral welfare of our children.

Modern society, especially in America, is a highly complex organism, composed of many varied racial elements, subjected to the high pressure of an intensely mechanized civilization. Without the modifying influence of the new conception of social duty, our civilization would be in great danger of degenerating into as sordid, cruel, and impersonal a tyranny and servitude as that of Soviet Russia. It scarcely requires argument to demonstrate that no such complex social organization as that of the present-day United States could long exist without established, recognized, and generally accepted rules of conduct of its members. The success of the rules depends upon their meeting the sense of justice of the greater number of the community. While in the beginnings of society the only law discoverable may be custom, as Mr. James C. Carter said in his Harvard lectures, yet, as he also remarked, "the word itself imports its main characteristic, namely, its persistency and permanency." He adds: "It is important to point out that the establishment of a custom requires time, and long periods of time, and as all conduct is preceded by thought, it also involves a long series of similar thoughts—that is, of long-concurring common opinion."

"Custom rests, therefore, not only upon the opinion of the present but upon that of the past; it is tradition passing from one generation to another." (Law, Its Origin, Growth, and Function, p. 19, by James C. Carter, Putnam, 1907.) It was this customary law to which the Parliament of Henry VIII referred, as such as " \* \* \* the people of this your realm have taken at their free liberty, by their own consent, to be used among them; and have bound themselves by long use and customs to the observance of the same \* \* \* as the 'customed' and 'ancient' laws of this realm, originally established as laws of the same, by the said sufferance, consents, and custom; and none otherwise." (25 Henry VIII, c. 21.) This body of "customed" and "ancient" laws undoubtedly constitutes the best observed laws of any commonwealth. But our modern civilization changes so rapidly that regulation of its life by newly enacted law becomes imperative long before uniform conduct can develop, ripen into custom and become generally accepted rules. A generation that has lived through the invention and introduction into general use of the telephone, the electric light, the radio, the gasoline engine and automobile and airplane, to say nothing of a thousand other adaptations of applied science, should readily understand that the problems resulting from the employment of all these must be met by some other means than self-imposed customary rules. Consider, for example, the problems presented by the increase in the number of automobiles on our highways during the last 30 years. The total number of registered motor cars of all classes in the United States in 1899 was 3,200; in 1928, 24,493,124. Very early in the history of their use the inadequacy of the existing laws respecting vehicular traffic to meet the new conditions created by the growing amount of motor-car traffic was recog-



nized and legislatures began passing statutes to meet the new problems as they developed.

A pamphlet issued by the Automobile Club of America in 1904, containing all the laws on the subject then in force in the United States, numbered but 87 pages, small octavo. By the next year, it was increased to 175 pages. (New York Association of Bar. Pamphlet V. 402, No. 11.) In 1927, a *Cyclopedia of Automobile Law* was published in three volumes, of approximately 1,000 pages each, and a supplemental volume of 525 pages, in 1930.

In the preface to the last-mentioned work it is said:

"The law relating to the automobile has grown up almost overnight. History does not afford an instance in which such a body of judicial exposition and legislative commands as that contained in the *cyclopedia* has developed in so short a time. So rapid a growth must necessarily be attended with more or less conflict, instability, and uncertainty, making evident the importance of having an early opportunity to view, as a composite whole, the most recent pronouncements of those authorized to declare the law in connection with the older body of law." (*Blashfield's Cyclopedia of Automobile Law*—Vernon Law Book Co., 1930, Vol. IX.)

That this was a legitimate field for legislation was recognized from the outset. But by 1924, the inadequacy of many of the statutes to meet the situation, the confusion caused by conflicting State laws, the need of more carefully studied remedies to check the mounting toll of injuries to persons and property on the highways, led the Secretary of Commerce, Hon. Herbert Hoover, to call a meeting which was held in Washington on December 15–17, 1924, of a national conference on street and railway safety, to devise and recommend measures which would reduce the traffic accidents in the country. The conference was attended by official delegates appointed by the governors of 43 States, by delegates of voluntary organizations from all parts of the country including traffic and police officials and representatives of industries concerned, amounting in number to nearly 1,000. The conference found a lack of uniformity in our traffic laws and regulations, and the failure of many communities to benefit by the experience of others—all of which had a large responsibility in the causes of accidents.

As a result of its recommendations, a committee on uniformity of laws and regulations was created, which, in cooperation with the National Conference of Commissioners on Uniform State Laws, developed three model acts to form the basis of a uniform vehicle code. They also recommended that the code be supplemented by State administrative regulations. (Bar Assn. N. Y., Pamp. V 639, No. 20.) Later the conference committee recommended uniform laws respecting the sizes, weights, and speeds of vehicles using the highways. (Bar Assn. N. Y., Pamp. V 644, No. 1.) This is the ideal way of preparing legislation on subjects newly calling for regulation by law. While legislatures do not always accept such recommendations, the studies and draft laws furnish a basis which, at least, seem to secure better legislation than would be apt otherwise to be produced. The motor vehicle conference committee is also engaged, in common with judicial councils and several other bodies, in studying methods of protecting persons injured by motor vehicles on the highways by requiring owners to carry liability insurance or furnish indemnity bonds conditioned to meet claims arising from injuries to persons or damage to property. (Compulsory Automobile Liability Ins. N. Y. Assn. Bar, Pamp. V 533.) In other words, an intensive process of educating the public concerning the problems and as to the best methods of meeting them has been carried on.

Whether the laws thus far enacted have been the wisest and best, or not, the importance of their enactment and of their observance is widely recognized and perhaps on the whole there is a smaller percentage of violations of these acts—large as is the number in the aggregate—than of many, if not most, other kinds of laws.

It is true, an enormous number of prosecutions for violations of the laws regulating automobiles and their use come before the courts. In many States special tribunals have been constituted to dispose solely of this class of cases. In one court alone, in Los Angeles, Calif., last year there were tried and disposed of upwards of 140,000 complaints of violation of traffic regulations. Most of these prosecutions are summary proceedings. Few are tried before juries. Usually the penalties are fines only. Little or no complaint is made of those laws, even though the trend of amendment is by way of making them more explicit and more easily enforced. The public recognizes the imperative necessity of regulating the use of motor vehicles on the public highways. But in meeting the automobile problem, reliance is not placed wholly upon the enforcement of penalties. Education concerning the need of regulation, of inspection of cars, of the capacity of chauffeurs and the like, is constantly being employed.

The history of the development and enforcement of legislation to control automobile traffic affords a striking example of how, by statute making and by education of the public concerning the need of such legislation, better observance of the laws has been secured in one important field. There are many other subjects which the legislature seeks to control. Sometimes it seems as if it would have been wiser if the lawmaking power should have waited to see if common use would

not evolve a better regulation than that embodied in the statutes. But that is a matter of legislative discretion. Save as regulated or restricted by constitutional limitations, the legislatures, State and National, may exercise this discretion as they see fit and good citizenship accepts and obeys their mandates until they are repealed or modified.

Even Mr. James C. Carter, one of the most determined opponents of statute making, except when the customary law fails to meet an obvious moral need, and who contended that "Crime, like law, can not be made, but must be found," wrote:

"We must obey the laws even when ill-advised, and must therefore regard as crimes what they declare to be crimes; but in the view of science, conduct can not be made criminal by a legislative declaration. In the true sense, crimes are those grave departures from customs which disappoint expectation, excite resentment, and produce revenge, and directly involve society in disorder and violence." (*Law, Its Origin, Growth, and Function*, pp. 251–2.)

Opinions will differ as to what subjects should be regulated by legislation and how they should be controlled. Broad discretion necessarily is vested by constitutions in legislatures as to the subjects which should be controlled by law and the means of compelling obedience to the law. Where the law is the expression of the will of a mere legislative majority and does not reflect the general views of the community, the law-making power frequently, if not generally, seeks to compel obedience by excessive penalties, although this method seldom accomplishes its object.

Lord Macaulay, in his *History of England* (Macaulay, *History of England*, Vol. V, Ch. XXIII, pp. 297–298, Harpers, 1879) gives an interesting account of the efforts by act of Parliament to prevent the importation into England of woolen goods made on the Continent. A report made to the House of Commons in 1698, showed "that during the eight years of war, the textures which it was thought desirable to keep out had been constantly coming in, and the material which it was thought desirable to keep in had been constantly going out."

"The inference which ought to have been drawn from these facts," Lord Macaulay wrote, "was that the prohibitory system was absurd. That system had not destroyed the trade which was so much dreaded, but had merely called into existence a desperate race of men who, accustomed to earn their daily bread by the breach of an unreasonable law, soon came to regard the most reasonable laws with contempt, and, having begun by eluding the customhouse officers, ended by conspiring against the throne. And if, in time of war, when the whole channel was dotted with our cruisers, it had been found impossible to prevent the regular exchange of the fleeces of Cotswold for the alamoses of Lyons, what chance was there that any machinery which could be employed in time of peace would be more efficacious? The politicians of the seventeenth century, however, were of opinion that sharp laws sharply administered could not fail to save Englishmen from the intolerable grievance of selling dear what could be best produced by themselves, and of buying cheap what could be best produced by others. The penalty for importing French silks was made more severe. An act was passed which gave to a joint-stock company an absolute monopoly of lustrings for a term of 14 years. The fruit of these wise counsels was such as might have been foreseen. French silks were still imported; and, long before the term of 14 years had expired, the funds of the Lustring Co. had been spent, its offices had been shut up, and its very name had been forgotten at Jonathan's and Carraway's."

"Not content with prospective legislation, the Commons unanimously determined to treat the offenses which the committee had brought to light as high crimes against the State, and to employ against a few cunning mercers in Nicholas Lane and the Old Jewry all the gorgeous and cumbrous machinery which ought to be reserved for the delinquencies of great ministers and judges. It was resolved, without a division, that several Frenchmen and one Englishman who had been deeply concerned in the contraband trade should be impeached. Managers were appointed; articles were drawn up; preparations were made for fitting up Westminster Hall with benches and scarlet hangings; and at one time it was thought that the trials would last until the partridge shooting began. But the defendants, having little hope of acquittal, and not wishing that the peers should come to the business of fixing the punishment in the temper which was likely to be the effect of an August passed in London, very wisely declined to give their lordships unnecessary trouble and pleaded guilty. The sentences were consequently lenient. The French offenders were merely fined, and their fines probably did not amount to a fifth part of the sums which they had realized by unlawful traffic. The Englishman who had been active in managing the escape of Goodman was both fined and imprisoned." (*Macaulay's History of England*, ch. 23, pp. 17–20.)

This was a more speedy and a happier ending of an unsuccessful attempt to accomplish a mistaken economic result by law than many others of like nature.

Intelligent legislation takes account of such histories as this. Mr. Justice Holmes, in the opening chapter of his famous book on *The Common Law*, wrote:

"The life of the law has not been logic; it has been experience. The felt necessities of the time, the prevalent moral and political theories, intuitions of public policy, avowed or unconscious, even the prejudices



which judges share with their fellow men, have had a good deal more to do than the syllogism in determining the rules by which men should be governed."

And while in another place he said, "The first requirement of a sound body of law is that it should correspond with the actual feelings and demands of the community, whether right or wrong" (Op. cit. p. 41), he adds, "Statutory law need not profess to be consistent with itself or with the theory adopted by judicial decisions." (Op. cit. p. 63.)

As a matter of fact, much statutory law wholly ignores the theory of judicial decisions. Frequently conscious that the new law will provoke widespread opposition and resentment, the legislature fortifies its mandates with excessive penalties for noncompliance, and when experience shows that the apprehension was well founded supplements the original penalties by vindictive increases. This is but reverting to the early type of legislation. The penalties are in the nature of vengeful reprisals upon those who question the legislative wisdom. As Justice Holmes says, "It is commonly known that the early forms of legal procedure were grounded in vengeance." (Op. cit. p. 2.)

Judge Parry, an English judge of wide experience in the administration of the criminal law, writing of some famous characters known to statutes as "rogues and vagabonds," says: "These poor creatures in Shakespeare's time were no doubt a great social pest, but the cruelty of the laws against them did little to stop their activities." He adds, "Each generation has had a few reformers with sufficient insight to understand that force, though necessary to restrain, is no remedy for crime." (Vagabonds All, by Judge E. A. Parry, New York, Scribner's Sons, 1926, p. xii.)

Naturally, in this connection one thinks of the national prohibition law. Without trenching upon the contentious ground of how the eighteenth amendment and the legislation to carry it into effect were brought about, one thing is perfectly obvious, and that is, that from the enactment of the Volstead Act down to the present time, reliance upon carrying out the purposes of the amendment was placed upon the power of the Government to compel by the imposition of penalties of fine and imprisonment the general observance of the statute law. This method reached its peak in the enactment of the Jones law in March, 1929, which in effect made every violation of the prohibition laws, with the exception of illegal possession and maintenance of a nuisance, a potential felony. No process of education or attempted education of the public into the value of prohibition to accomplish the maximum of temperance in the community was attempted during all this period. The long course of demonstration of the evils of the use of intoxicating liquor which had led to the adoption of the eighteenth amendment was abandoned.

It is interesting to contrast the history of this method with that of England during the same period. The testimony given during the last few months before the Royal Commission on Licensing (England and Wales) has brought forth much evidence showing a marked decrease in the amount of drunkenness in England and Wales since the pre-war period. This is ascribed in part to the restriction of the hours of the day and in the evening during which liquor can be sold, the regulation of the quality of the liquor, requiring a higher price, but mainly to the general process of education of the public into the evils of excessive drinking and the advantages of other forms of innocent amusement.

The chief metropolitan magistrate, for example, testified to the steadily progressive decrease in drunkenness in London during the last 23 years, and said that he thought it due to better education; that the younger people amused themselves in other and better directions; they get out of London, play more games, and lead generally a healthier life. Other magistrates testified to the same effect. One of them referred to the gradual spread of education and the influence of social workers, police court missions, probation officers, and others in the district in which he had jurisdiction. He said the decline in drunkenness in his district had been so steady during the postwar years, that he had suggested to the chief superintendent of police that it was rather unkind to bring an offender to the police court, he ought to be taken to a museum! An assistant commissioner of the metropolitan police, testifying to the same general increase in temperate habits, ascribed them to the changing habits of the younger people; better amusements, better education, and perhaps the increase in the price of the liquor sold. He also referred to the great decrease in drunkenness among women, and ascribed it in part to the fact that in the morning and between 3 and 5 o'clock in the afternoon liquor could not be purchased.

So marked is this increasing temperance in England and Wales, that one witness testified that during the whole week of the National Eisteddfod in 1928, when there was an average daily attendance of 15,000 to 20,000, not a single case of drunkenness or disorderly behavior was reported. This witness said that among the things which had contributed very largely to soberer habits were motoring and motor cycling, better housing, and a system of communal provision of those amenities which were so lacking in the past—welfare institutes, recreation grounds, bowling greens, and playing fields.

He said there had been an increase in various forms of pastimes and recreations—dancing, billiards, and forms of athletics among the

younger men; the cultivation of hobbies, such as wireless sets, pigeon flying, dog training, and dog fancying; many went twice a week to the cinema and once or twice to dances; there also had been a great development of adult education and other cultural pursuits; tutorial classes in economics; the drama and literature generally, etc. The churches, too, though under grave difficulties, had greatly developed their institutional work. I quote his further testimony, as it affords so much of interest and suggestion. He said:

"In addition, choral singing, for which the people of the mining villages have long been famous, still maintains its hold on the people, while many of the younger folk have been trained in and can now do creditable work in instrumental music. Many centers have every year a drama week, in which amateur parties compete in the production of plays of their own selection. A greater comradeship between the youth of the two sexes has also sprung up. Young men treat the girls of their acquaintance more as pals than they used to do, and the girls share their interest in football, tennis, motor cycling, or some other pastime. In fact, both men and women have learned and are still learning to make better use of their leisure than to spend it in clubs and taverns." (Testimony of Mr. D. L. Thomas, Stipendiary Magistrate; Minn., p. 366.)

The record in what used to be regarded as one of the most drunken communities in the world—that is, the Welsh mining regions—is quite extraordinary, but it is only a part of the general trend of testimony to the increasingly temperate habits of English and Welsh communities; and all of this evidence furnishes very cogent suggestion to those charged with the enforcement of the eighteenth amendment in the United States as to better methods of attaining the object of that amendment than those which for the last decade have been pursued.

Mr. Jack Black, the author of *You Can't Win*, at the last annual conference spoke feelingly of the futility of our methods of compelling obedience to law. He ascribed—and in that I agree with him—much of the crime prevalent in our country to the effect of our prison system. "Many people wonder at crime," he said. "I don't wonder at it, nor would they if they knew the character and caliber of the average prison official who is supposed to look after the correction and instruction of his charges. Here you have a seeming contradiction; our prisons, instead of reforming prisoners, are geared and guaranteed to grind out criminals. I'll pass by the cruel and inhuman punishment, the iron discipline, the galling restraint, with a word; they send the prisoners out either a homicidal maniac or a broken petty thief, stealing door mats and milk bottles, and spending his life doing short sentences in small jails." (National Conference of Social Work. Proceedings of Fifty-Sixth Annual Meeting, p. 197.)

The remarkable study of 500 criminal careers made by Doctor and Mrs. Sheldon Glueck (New York, Alfred A. Knopf, 1930) is devoted to the case history of offenders who have served terms in the Massachusetts Reformatory. Doctor Cabot in his introduction says that the study "shows that the Massachusetts Reformatory (probably one of the best in the country) failed in 80 per cent of the cases studied to do what it is meant to do. It did not reform these men, for they continued their criminal careers, though not quite so actively as before." If such be the result of the best reformatory treatment of young men; how can we wonder that the prison treatment of older persons should result as Mr. Black has described?

There is a pregnant suggestion in Mr. Black's address that deserves to be carefully considered.

"To my mind," he says, "young offenders should roughly fall into two classes—the strong and well, the sick and weak. Let the strong and well be taught to think straight, to learn responsibility, leadership. Develop the loyalty that's in them, and then challenge it. Find occupation for them that is hazardous, dangerous, and adventurous, and they'll eat it up. Let the doctors, specialists, and mental sharps treat the sick and weak. Look to their eyes, their ears, their teeth, and their glands."

That paragraph summarizes the best program of crime prevention I ever have read. The only trouble with it is that it is too simple. People in general want their prescriptions for social as well as personal disorders written in a dead language.

To comprehend such a remedy we must rid our minds of the idea that criminals are a race apart from other men. They are not, until of course a treatment at prisons like Auburn, Columbus, San Quentin, or Boulder City has reduced them to the condition described by Mr. Black.

Many of them at first are only adventurous boys; but social neglect, broken homes, and the absence of any steady moral influence transform them into outlaws.

I hope that in the near future other studies similar to that of Dr. and Mrs. Sheldon Glueck, of groups of men and women graduates of other reformatories as well as of State prisons will be made and published, so that society may know better what is the result of our methods—our crude, unintelligent, brutal methods of treating offenders against our laws. Certainly to-day there should be no difficulty in getting support for such studies from men who believe that those who break the law are not necessarily criminals. There should be in the hearts of some of those who systematically violate laws of which they



do not approve, an active sympathy with others who violate the laws they find unpleasant, inconvenient, or unprofitable to obey! Indeed I believe there is more urgent need than ever before for a scientific penetrating study of the effects of our whole system of criminal justice. Doctor and Mrs. Glueck have blazed a pathway that should be followed by others in order that reforms should be intelligently planned in the light of ascertained facts.

As I have already said, I believe that in large measure observance of the law can be brought about by education and persuasion rather than by force and harsh penalties. Not force, but reason, I believe is the best preventive. If only those entrusted with the administration of our penal laws would cooperate with the public-health authorities in bringing home to those affected by any particular legislation the advantage to them and to the community at large of its observance, I am confident we should have fewer prosecutions in the courts and less congestion in our prisons.

May I commend to the division of delinquents and correction of this conference the careful consideration of this subject? By systematic instruction the public health authorities are educating people into a recognition of the value to themselves of vaccination and inoculation in preventing smallpox, diphtheria, and other contagious diseases, and the importance to health of cleanliness and the prompt removal of garbage. A systematic campaign of instruction in the value of law observance should amply repay the cost of conducting it. Laws on related subjects might be grouped under appropriate heads and the general thesis of the advantage of obeying the law expounded to the public on the radio, by leaflets, and to groups of people living in congested areas.

The problem of law enforcement largely is a matter of education in law observance. Preventive measures rather than penalties of fines and imprisonment should be emphasized. The new education must study and teach the reciprocal duties of the State and its members. Sympathy and helpfulness rather than the rod, the cell, and the stone pile should be tried in order that lawlessness be reduced to the lowest point.

After all, the essence of the problem of delinquency is not complex. Society makes laws for its own protection. If all members of the community were of sound mind, virtuous, and intelligent, and not subjected to temptation too strong for their characters, and all laws were fairly reasonable, there would be a general observance of law.

But many people are not of sound mind, many laws are not reasonable, many people are subjected to temptation beyond their powers of moral resistance, and so men violate the laws. Then arises the problem how to secure the maximum observance of law. From time immemorial, society has sought to accomplish this by punishment. The avowed object of that method was first as an example to others to avoid incurring the same fate, and secondly to make the offender himself repent of his deeds. Later grew up the idea of reformation of character through suffering and penitence. And a pretty mess has organized society made of all this! In a large proportion of cases, the treatment of offenders by way of punishment for their deeds results in making them lifelong enemies of society and in saddling the State with the burden of supporting them, in or out of prison, so long as they live. Is it not time we tried some other method? Let us get rid of this complex of fear that so largely dictates our treatment of offenders. Let us consider that each and every one of them is an individual and give him individual study and treatment as physicians do patients in hospitals. We can surely do no worse by that method than we have by the old. Is it not worth while trying the new way—which is Christ's way?

In closing, let me say, in a paragraph quoted in that quaint old book of Robert Southey, the doctor, etc., "These are my thoughts; I might have spun them out into a greater length; but I think a little plot of ground, thick sown, is better than a great field which, for the most part of it, lies fallow."

ADDRESS OF HON. HENRY D. HATFIELD, OF WEST VIRGINIA

Mr. SHOTT of West Virginia. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address made by Senator HATFIELD, of West Virginia, at Concord State College in my district.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia [Mr. SHOTT]?  
There was no objection.

Mr. SHOTT of West Virginia. Mr. Speaker, at the commencement exercises of Concord State College, Athens, W. Va., on Tuesday, June 3, 1930, United States Senator HENRY D. HATFIELD made an address to the graduating class of such inspirational excellence that, under the leave to extend my remarks, I desire to insert it in full, as follows:

#### GRADUATING ADDRESS

To the graduating class of Concord State College: To many, these inspiring ceremonies representing years of patient toil are cold and lifeless. To the graduating class, at least, they should have the profound and solemn inspiration of an epochal period in their lives.

Many of you will part with friends that you have made here whom you may not meet again. It is an ordeal through which you must pass, one that is mingled with sadness and exultation. You have

reached the first milestone of necessity in striving for the goal of a genius.

I have the compassion to spare you further admonition and shall, therefore, confine my discussion to two of the many elements which will go to make or mar your lives. The first is equanimity; the other is perturbability. If you will develop these qualities in your approach to responsibilities and practice them, they will contribute to your success and likewise help you in days of failure.

I quote from Marcus Aurelius:

"Thou must be like a promontory of the sea,  
against which,  
Though the waves beat continually,  
yet it still stands,  
And about it are those swelling waves  
stilled and quieted."

Again I quote from Matthew Arnold:

"I say: fear not, life still  
Leaves human efforts scoped.  
But, since life teems with ill,  
Nurse no extravagant hope;  
Because thou must not dream,  
Thou need'st not then despair."

Let us revert back to the historical record of one of the world's wisest of rulers, Antoninus Pius. When he lay dying at Lorum, in Etruria, he summed up the philosophy of life in the watchword, "aquanimitas." After a useful life, in his passing he left this parting word, which no doubt has been the guide to many since his day who have played their part in life and passed on. So for you, fresh from "Clotho's Spindle," a calm equanimity under all conditions and surroundings is the desirable attitude, difficult in many instances to attain, yet essential to success as in failure.

The temperament which comes largely from inheritance has much to do with its cultivation and development. A clear knowledge of your fellow creatures, taking into consideration the normal mental trend of the average life, is essential. The first indispensable asset to individual success and the development of a well-poised equanimity is not to be too dependent on the people amongst whom you dwell.

The old axiom that "Knowledge comes, but wisdom lingers" is indeed true. In many of the learned professions as it affects the average layman of to-day a greater amount of knowledge is not professed than the average citizen of the days of the Roman Empire, according to history. Because of this lack we find professional men in many instances lacking in the proper credulity and regard by the average man for the truth, and they have been developed, however, by strong, trained mentalities that have been written in no uncertain terms, based upon truth conclusive and indisputable. Yet we find a certain amount of suspicion and lack of genuine conviction on the part of good, substantial citizens who are indispensable in the social realm of our Republic, and who, in many instances, are found in the responsible positions of life. We find them in the professions, in the busy walks of life, and in the legislative bodies of our land, where, because of their departure from others in forming their conclusions, they become individualists, which makes possible the uncovering and development of greater and more definite principles, which widen the sphere of reasoning and thinking and furnishes the solution of many problems most perplexing.

As you progress in your course through life, possibly in one of the professions, a feature that will press hard upon your finer spirit and ruffle, in many instances, your equanimity, is the uncertainty which pertains not alone to science and art, but to the very hopes and fears for the proper use of those attributes in the most successful way which make you successful men and women.

In seeking absolute truth, we aim at the unattainable and must be content with finding broken portions. You remember the Egyptian stories of how Typhon, with his conspirators, dealt with good Osiris; how they took the Virgin Truth, hewed her lovely form into a thousand pieces and scattered them to the four winds; and as Milton says: "From that time ever since, the sad friends of Truth, such as durst appear, imitated the careful search that Isis made for the mangled body of Osiris, went up and down gathering up limb for limb, still as they could find them." We have not yet found them all. Each one of us may pick up a fragment, perhaps two, and in moments when mortality weighs heavily upon the spirit, we can, as in a vision, see the form divine, just as the great naturalist can reconstruct creatures of the ages from a fossil fragment.

It has been said that in prosperity our equanimity is chiefly exercised in enabling us to bear in composure the misfortunes of our neighbors. After you have chosen your genius, have passed beneath the throne of necessity, and when you have reached the zenith of your ambition in a business or professional way and have been welcomed therein, it is fair to anticipate that for some of you there is in store disappointment and perhaps failure; but, in these dark hours, equanimity of action and the attributes of perturbability are to be found two great stabilizers with which you can approach these obstacles with the greater assurance of success finally crowning your efforts, provided they are supported with a wholesome knowledge of the profession of your choosing.



You can not hope, of course, to escape from the cares and anxieties incident to any business or professional life. Stand up bravely even against the worst. Your very hopes may have passed on out of sight, as did all the ones near and dear to the patriarch at Jabbok-Ford, and like him, you may be left to struggle in the night alone. Well for you if you wrestle on, for in persistence lies victory; and with the morning may come the wished-for blessing. But not always; there is the struggle with defeat some of you will have to bear and it will be well for you in that day to have cultivated a careful equanimity. It will serve you well.

Remember, too, that sometimes "from our desolation only does the better life begin." Even with disaster ahead and ruin imminent, it is better to face them with a smile and with the head erect, than to crouch at their approach. And if the fight is for principle and justice, even when failure seems certain, many have failed before; cling to your ideal and like Childe Roland before the dark tower, set his slung horn to your lips, blow the challenge, and calmly await the conflict.

It has been said that "In patience ye shall win your soul." What is this patience but an equanimity which enables you to rise superior to the trials of life, sowing as you shall do beside all waters. I can but wish that you may reap the promised blessing of assurance forever, until,

"Within this life,  
Though lifted of its strife,  
You may in the glowing winters glean  
A little of that wisdom which is pure,  
Peaceful, gentle, full of mercy and  
Good truths without partiality and  
Without hypocrisy."

The past is always with us never to be escaped; it alone is enduring, but amidst the changes and chances which succeed one another so rapidly in life, we are apt to live too much for the present and the future.

We all remember Chaerophon, the former friend of Socrates, who went to the oracle of Delphi to consult the Titan prophetess. The response was that there was no one wiser than Socrates. When Socrates heard of the pronouncement of the god, he was much troubled and set out to interpret this undeserved tribute, as he thought, but which would be a compliment in this age, whether deserved or not, even to the point of small obsession in the way of exaggerated ego. Not so with Socrates, however. He was definitely convinced in his own mind that he possessed no wisdom, small or great. I quote his commentary dealing with the distinction that had been conferred upon him:

"What can he mean when he says I am a wise man? And yet he is a god, and can not lie; that would be against his nature."

So thoroughly was the great man of the people convinced that he was being granted a recognition which was not his that he set out to prove to the contrary, feeling that it was a part of his duty to disprove it, concluding that if he could confront the god by finding a man who was wiser he would do so. So he went to the politician, and after a conference he concluded that neither he nor the politician knew anything really beautiful or good, but that he was the wiser of the two, for the politician knew nothing but thought to the contrary.

Not satisfied with his first experience, Socrates sought another with a higher psychological pretension, and his conclusion was the same. He then went to others, including poets, and found them incapable of discussing intelligently their own production in poetry and literature, so his conclusions were that their achievements were not made possible by the wisdom they possessed but due to a sort of genius or inspiration. He said: "They are like diviners or soothsayers, who say fine things but do not understand the meaning of them."

So it is with us, our presumption many times exceeds our ability or knowledge. We should, therefore, approach responsibilities that come to us with a determination to possess an understanding of them, and if perchance they be public ones, administer our duty or responsibility in such a way that it will render the best service to society. We may be opposed in these conclusions by those who have a different viewpoint, made so largely by environment or the lives which they live. In many battles you will experience right falling to the ground. This should not be discouraging, for history has repeatedly proven that justice and equity, while it may be defeated primarily, will, in the end, prevail.

All of these controversial questions of a public nature must not be approached with the idea of personal gain as is usually the inclination, but from the point of right or wrong. Knowledge of the problem, free from egotism and partiality, being the essential in the discussion of arriving at the rightful conclusions of controversial matters, and the training and wisdom in foreseeing their final application as to their compatibility to the welfare of mankind.

In discussing wisdom, Socrates states: "I am called wise, for my hearers always imagine that I myself possess the wisdom which I find wanting in others; but the truth is, O men of Athens, that God is wise; and in this oracle he means to say that the wisdom of men is little or nothing; he is not speaking of Socrates, he is only using my name as an illustration, as if he said, 'O men, he is wisest who, like Socrates, knows that his wisdom is in truth worth nothing.'"

Quoting him further: "If this is the command of God, as I would have you know, and I believe to this day, no greater good has ever happened in the state than my service to God."

There can be no question, for instance, but that the fathers who conceived and pronounced the Declaration of Independence and who wrote and then brought about the adoption of the Constitution of the United States were moved to act in keeping with the fundamental thought that had been handed down to them from the ages, which carried with it the admonition of the great masses in their conception as to the proper guide to the principles of equality to all in the rights and privileges of liberties dealing with all questions—political, economic, and religious—in their idea of a democratic form of government.

There is one conviction that I would like to give to you that has come to me in my varied experiences in life as the best to follow, with the hope that it will have a lasting impression on you who will assume the responsibilities as you pass through life that have to do with the destinies of your fellow man, and that is to keep ever before you that principle which surely was the controlling factor in the conclusions of that great man of wisdom who possessed knowledge, although not conscious of it, in dealing with problems in connection with the welfare of mankind upon equal footing for all. This thought is reflected in our Government in the establishment of its strongest pillar where are to be found the individual limitations. It prescribes equality and interprets our rights and privileges as citizens.

Wisdom has blazed the path which has developed this principle more sacred than all others of our national superstructure combined. It largely depends on what the future has in store for us as a nation as to how long and how well we adhere to this beaten path which the fathers traveled to worship at this shrine, to revere, respect, and defend it.

We are continuously reminded of our responsibilities and duties. I have reference to the courts of our land. If we find laws oppressive as enacted by our law-making bodies, let us repeal them instead of abusing the judge who interprets them. Let us never condemn the judge for following the established interpretations recognized as the supreme law of the land; let us carry in our hearts love and reverence for all laws and due regard and encouragement for our judiciary to be courageous and noble in the duty and responsibility left to them to perform.

We have eminent authority for this statement, which goes back to the Holy Writ itself. Should our courts ever become biased or temperamental in their duties because of public sentiment, or a judge disregard his sacred obligations because of hope of political gain, or should he subjugate or disregard the proper interpretation of the law, then we can expect our Government to crumble. Then we will be confronted by mob violence and anarchy, as has been the case with other nations.

The judiciary is our strongest pillar. It represents the final arbitrament in the interpretation of law; it protects life, liberty, and the property of the individual, whether great or small, it guarantees to each and every man that his home is his castle.

I am loathe to advocate changes in our Constitution, although many valuable amendments have been added which none of us would think of erasing from this great document, which was conceived by our fathers and which represents the bulwark of this Republic. We have, through history, witnessed a nation in 156 years grow from three to one hundred and twenty million of prosperous and contented people. Our country from coast to coast is ramified by transportation companies of different kind and character, depending upon the service demanded. All investments under our flag have been made by our own people largely upon the faith and confidence offered in this fundamental law. Disregard or clamor to repeal any part of it disconcerts the equilibrium of our industrial growth, and at the same time creates suspicion and doubt of the stability of our Government in the mind of the individual citizen.

This fundamental law is not made by Congress but by the people in convention assembled or through the legislative bodies of the respective States that make up this Union and is basic in its structure, protective in its nature of the people against any oppressive statutory laws.

The interpretation of its sacred paragraphs harkens back to that period when our Nation was in its infancy.

So it is easy to see and understand that the judiciary is guided in its interpretation of new laws enacted in harmony with the old laws and with the Constitution is in keeping with the long line of decisions which go back to the very beginning of the Government itself. The judiciary, therefore, is the lifeblood of our Nation. History records that this Nation is the only enduring democracy, and as we grow in age we have developed mightily in strength. By the guidance largely of our judiciary we have reached that point in our progress that, as forecasted by the wise men, if we are ever to be destroyed it must be because of strife and discord amongst us.

One of the greatest, if not the greatest, Americans, who possessed wisdom to the point of immortalization, made the observation that an invading foe into this land could not make a track upon the Blue Ridge or take a drink out of the Ohio River in the period of 100 years.

There appears in these days to be a seemingly studied effort on the part of news gatherers on many of the newspapers of the country to



bring about misrepresentation of facts involving public questions, and also by men, especially lobbyists, who have designing and ulterior motives, by treating them in a jocular and misleading manner, thereby confusing the people by bringing about a misconception of the truth.

These questions should be received and discussed in solemnity, because they make for good or worse the contentment of a nation of people who possess the power of changing almost the entire attitude of governmental administration within the period of two years by our elective legislative system. The tongue of misrepresentation as portrayed in the Holy Writ can bring more distress and discord, even to the point of destroying character and sending others to an untimely grave, than any other instrument yet conceived by man. Our approach therefore in dealing with all questions, whether governmental or of a private nature, should be adopted or rejected after mature deliberation, free from fallacies.

I congratulate you on having arrived at the point of your ambition to obtain an education in your graduation from this fine, honorable institution.

Concord has and is serving a great purpose in the educational progress of our State and Nation. Through the years of the past, when chances for an education were not as good as they are now, invitations went out from this institution offering opportunities for the development of useful intellects.

While the corps of teachers who were in charge of the educational destinies of this school in the beginning have passed on to their reward, time sweeping her death toll has not in the least dampened the ardor and ambition of those worthy successors of these patriots. The glory of the ever-growing demand to furnish new and additional thoughts in science by new and successive discoveries and by scientific investigation has been so rapid that to-day we stand in a maze of mysticism at the wonderful progress that has been made in the first part of the twentieth century; and many who are farsighted are reveling in speculation as to what the middle and latter part of this century have in store for the future man.

Surrounded by all of these wonders, we intuitively harken back to the period of the great Socrates and with amazement find in his own logical reasoning principles applicable in many ways to our present day. We have advanced in a material way in our surroundings, environment, in freedom of speech and thought, the respect to individual responsibility, and the individual independence of man which was not to be enjoyed in his day.

How secure we are in our own mental cogitations; how much more liberty do we possess than was allotted to mankind in that day, with no power or other authority to destroy this independence granted to us by the sacred Constitution. A great thinker, because he dared to speak the truth of his convictions, was hailed before what was termed a court tribunal, with no limitation of power such as we enjoy, but controlled by public sentiment and prejudice, and he was required to pay with his life for his self-asserted independence. Yet because of his endowment of intelligence and wisdom he did not hesitate to assert these convictions as he believed them to be to the end, regardless of the consequences.

We find our surroundings, our opportunities, and our rights all that could be wished for in the way of freedom. But man has only been conceded this independent individuality after a tortuous course of experiences through the ages. First from the family groups, then the tribes, and later the self-proclaimed kings and monarchs. The test of supremacy for the crown was the one who could trace his blood back to antiquity's most successful robber. Independence of thinking became more determined upon by the persecuted millions.

The discovery of the Western Hemisphere afforded them the opportunity. Had it not been so the history of the world, no doubt, would have been more like a continuation of the rise and fall of the empires of the past. The only trace or record left of them is what history records, they have been so completely covered by the "mantle of oblivion."

We can understand, as a Christian nation, the cause leading to the Crucifixion. It was largely envy, superstition, and ignorance. The new world of people, in many instances, forgot their duty and responsibility to mankind, notwithstanding the fact that they had history as their guide, a lesson their ancestors learned so well by suffering and persecution in the Old World.

Innocent women were adjudged responsible for evil doings, such as witchcraft, and were executed. Slavery was indulged in for 250 years. So we can understand, when we stop to analyze the mental operation of man down through the ages, that because of the lack of proper subsoil necessary to the development of a stable mentality, he was unable to recognize justice and equity.

The emancipation of humanity, therefore, has been slow and uncertain in its course. The solution of these ills was the development of our educational systems. The parable of the sower can well be applied to the faculties of our great colleges. You will remember in Mark—

"The sower went out to sow; and presently, as he was sowing, some of the seed fell along the path; and the birds came and ate it up. Some fell on rocky ground, where it had not much soil, and, having no depth of soil, sprang up at once; but, when the sun rose, it was scorched, and having no root withered away. Some of the seed fell

among brambles, but the brambles shot up and completely choked it, and it yielded no return. Some fell on good soil, and shooting up and growing yielded a return amounting to thirty, sixty, and even a hundred fold."

So it is with you, my young friends, who are soon to take your leave from this institution to assume some responsibility in the way of duty in this great world of endeavor, the progress of which, in the way of opportunity, waits upon no one.

Your success in meeting these responsibilities will largely depend upon the yield you have garnered in the way of an education. The application of your own industrial ingenuity in drawing from this house of knowledge, stored away and made available to be utilized as the demands come in future years when you are meeting with problems in the competitive world.

The tasks of the old teachers may have seemed to you to be exacting even to the point of burdensome. No doubt you often felt there was an element of pique or dislike. Allow me to forecast for those among you who had such a feeling, that in future years you will arrive at the conclusion that your most exacting taskmaster in this college will prove to be your greatest benefactor in the problems which you must solve for yourself, and in helping you to arrive at the rightful conclusion which will mean much to you in the way of success.

On such occasion as the present, when the alma mater is in festal array, when we rejoice in her growing prosperity, it is good to harken back to the old days and gratefully recall those whose labors in the past have made the present possible. These sad realities of the past teach us to-day in the freshness of sorrow at the loss of friends and colleagues "hid in death's dauntless night." Ere long we will pass on and join the silent list whose passing was in some instances long ago, yet which is fresh in our memories.

While preaching to you a doctrine of equanimity, I am myself a castaway, and when I look back over the past of more than three decades of a fairly busy life, I wonder how the successions happened and how I have been able to climb the ladder to the present rung. All remains more or less in mysticism, possibly some day to be unfolded, but whatever else may be said of my faults and frailties—and I trust my record justifies the statement—whenever opportunity has presented itself, I have tried and have always been pleased to serve my fellow man.

Ladies and gentlemen of the graduating class of Concord State College, as I bid you good-by, I admonish you to take with you into the struggle which confronts you, the watchword of the good old Roman of bygone days—"aequanimitas."

#### SIXTH PAN AMERICAN CHILD CONGRESS

Mr. TEMPLE. Mr. Speaker, I call up a conference report on the resolution (H. J. Res. 270) authorizing an appropriation to defray the expenses of the participation of the Government in the Sixth Pan American Child Congress at Lima, Peru.

The SPEAKER. The gentleman from Pennsylvania [Mr. TEMPLE] calls up a conference report on the joint resolution (H. J. Res. 270), which the Clerk will report.

The Clerk read the title of the House joint resolution.

Mr. TEMPLE. Mr. Speaker, I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the statement.

The conference report is as follows:

#### CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the resolution H. J. Res. 270, a joint resolution authorizing an appropriation to defray the expenses of the participation of the Government in the Sixth Pan American Child Congress, to be held at Lima, Peru, July, 1930, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same.

H. W. TEMPLE,

HAMILTON FISH, JR.,

J. CHARLES LINTHICUM,

Managers on the part of the House.

WILLIAM E. BORAH,

HIRAM W. JOHNSON,

CLAUDE A. SWANSON,

Managers on the part of the Senate.

#### STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses to the amendment of the Senate to the resolution (H. J. Res. 270) authorizing an



appropriation to defray the expenses of the participation of the Government in the Sixth Pan American Child Congress, to be held in Lima, Peru, July, 1930, submit the following statement explaining the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

The Senate amendment, inserting, on page 1, line 9, after the word "subsistence," the words "notwithstanding the provisions of any other act," will permit the payment of the reasonable, actual expenses of the delegates to this conference, which would not be permitted without this amendment.

H. W. TEMPLE,  
HAMILTON FISH, Jr.,  
J. CHARLES LINTHICUM,  
*Managers on the part of the House.*

The conference report was agreed to.

#### THE FEDERAL CONTRIBUTION TO THE DISTRICT OF COLUMBIA

Mr. SIMMONS. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. SIMMONS. Mr. Speaker, I ask unanimous consent, as a part of my remarks, to extend in the RECORD an editorial appearing in this morning's Washington Herald, dealing with the subject of the fiscal relations between the United States and the District of Columbia.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The editorial referred to follows:

[Washington Herald, June 10, 1930]

#### SENATE'S STAND FOR JUSTICE HOLDS OUT HOPE FOR DISTRICT

A final fight for justice for the District of Columbia is inevitable. That fight may just as well be waged now as later. There will never be a better time.

The Senate manifests a spirit as fair as it is courageous. It appears to be determined to insist upon its amendment increasing the "lump sum" appropriation for the support of the Capital by the Federal Treasury from \$9,000,000, as fixed by the House of Representatives, to \$12,000,000.

Reporting to the Senate yesterday the conferees on the part of that body disclosed that the House conferees are unwilling to compromise. Senator WATSON, the Republican leader, commenting upon this in the Senate, declared that the Senate's conferees were "well within their rights in insisting on a compromise."

This forces an issue which, in the interest of the over-burdened taxpayers of Washington, should no longer be avoided.

The price of the Senate's firm stand for a square deal for the people of this community may be the failure of the passage of the pending annual supply bill, carrying nearly \$45,000,000. If so it were far better to pay that price than to surrender to continued injustice.

If the District appropriation bill fails of enactment a resolution can be passed continuing the appropriations for the current fiscal year.

But a weak surrender now to the House leaders, who are determined that no more than \$9,000,000 shall be granted from the Treasury for the support of the District government, would be a fatal error.

In insisting on its provision of \$9,000,000 the House of Representatives is a deliberate breaker of the very law it has enacted.

The House of Representatives, in refusing to comply with the law passed in 1922, fixing the Federal Government's contribution to the support of the District at 40 per cent, is employing the tactics of the bootlegger, the gangster, and the racketeer.

The law says that the Federal Government shall contribute 40 per cent. The \$9,000,000 carried in the appropriation bill as it passed the House represents only a fraction over 20 per cent.

Forty per cent of the amount provided for by the bill would be in excess of \$15,000,000 as the Federal Government's contribution. The Senate asks for but \$12,000,000.

The case is plain, clear, simple. Every American citizen can understand it.

If the District bill fails of enactment the country will know it. It will demand the facts.

And the House can not afford to go to the country on those facts. Let the fight be to a finish!

Mr. SIMMONS. Mr. Speaker and gentlemen of the House, I have at different times discussed the subject of the fiscal relations between the United States and the District of Columbia. I do not intend this morning to go into that subject at length. I have just been granted permission to extend in the RECORD an editorial appearing in this morning's Washington

Herald dealing with that subject. I desire to call the attention of the House to two paragraphs in it, which are as follows:

In insisting on its provision of \$9,000,000 the House of Representatives is a deliberate breaker of the very law it has enacted.

The House of Representatives, in refusing to comply with the law passed in 1922, fixing the Federal Government's contribution to the support of the District at 40 per cent, is employing the tactics of the bootlegger, the gangster, and the racketeer.

I wish to call your attention to one thing—because that editorial is written with the idea of supporting the position taken by the United States Senate—and that is that neither the Senate nor the House of Representatives in the District appropriation bill this year carry out the law making 40 per cent the amount of the contribution of the Federal Government to the District. A 40 per cent contribution to the District of Columbia on the part of the Federal Government means something over \$16,000,000. The House proposes to contribute \$9,000,000, the Senate \$12,000,000. Neither follows the 60-40 act.

Mr. CRAMTON. Will the gentleman yield?

Mr. SIMMONS. Yes, sir.

Mr. CRAMTON. Instead of being on a par with law violators the Congress has the right, either for one year or a series of years or permanently, to change the law as to the contribution. The parliamentary question as to how that shall be effectuated has been determined in this case by the Holman rule. Each year the House has proceeded in accordance with the rules of the House to make a change in the law for that year. We are entirely in harmony with the law and have violated it in no way whatever.

Mr. SIMMONS. Certainly not. The Congress that passed the law has the right to change it. Congress has changed it over a series of years and the House proposes to do it again this year. Neither body of the Congress is violating the law in the proposal which they make as to the amount of the Federal contribution.

My purpose in calling this editorial to the attention of the House this morning is to make the frank, flat statement that neither body of the Congress proposes this year to carry out the provisions of the so-called 60-40 act, and that the statement in this editorial applies just as much to one body of the Congress as it does to the other. The 60-40 plan is not an issue. Both the House and Senate have rejected it. Neither the House nor the Senate is subject to the charges made against the House by this editorial.

Mr. BLANTON. Will the gentleman yield?

Mr. SIMMONS. Yes, sir.

Mr. BLANTON. The gentleman knows that the present tax rate in the District of Columbia for this year is only \$1.70 for everything—schools, water, lights, and everything. That is the cheapest tax rate in any city in the whole United States, and there is not a man here who can justify his position in contributing more of the funds of the Federal Government than the \$9,000,000 now being contributed to the District. I am one of those who is standing behind the distinguished, able gentleman from Nebraska [Mr. SIMMONS] and I commend him for his brave stand.

Mr. CRAMTON. Will the gentleman yield again?

Mr. SIMMONS. Yes, sir.

Mr. CRAMTON. I want to take advantage of this opportunity to make this observation: The fight the gentleman from Nebraska [Mr. SIMMONS] has been making so ably and courageously in behalf of a reasonable limitation on the contribution for District expenses from the Federal Treasury in my judgment has at all times had the support of nine-tenths of the membership of this House. [Applause.] More than that, I want to observe that it is because of his ability and the vigor he puts into the maintenance of his positions, which have enabled him to convince this House that he is daily being subjected in another legislative body and in the newspapers of the District to such grossly unfair attacks upon him personally. [Applause.] It is a desire on their part to eliminate him by personal attacks when they are unable to do it by matching his logic. [Applause.]

Mr. SIMMONS. Mr. Speaker, I am not concerned nor worried about the personal attacks that have been made upon me. This editorial is a direct charge against the House of Representatives and that is the reason I brought it before you this morning. Anyone who knows anything about the issue involved in this matter knows that the editorial charge is grossly and deliberately false. [Applause.]

The SPEAKER. Under the order of the House, the gentleman from New York [Mr. LaGUARDIA] is recognized for 30 minutes.

THE NEED FOR NATIONAL LEGISLATION TO PREVENT PERMANENT UNEMPLOYMENT

Mr. LAGUARDIA. Mr. Speaker, I will take a little of the time of the House to-day because I want to call the attention of the House to a hearing which will be held to-morrow by the Committee on the Judiciary of the House on Senate bill 3060, to provide for the establishment of a national employment system, for cooperation with the States in the promotion of such system, and for other purposes tending to prevent unemployment.

This bill was introduced in the Senate by the junior Senator from my State [Senator WAGNER], who has given this subject a great deal of thought and study. The bill is a step in the right direction.

After the hearings were held by the Senate committee a brief was filed, which appears in the printed record of the hearings. This brief was filed by the National Association of Manufacturers in opposition to the bill to establish a national employment system, and their opposition is based allegedly on broad, constitutional grounds.

With the permission of the House, I will read at this point an analysis of the bill. The bill provides for an orderly, adequate, free employment service, nation-wide in scope, retention of local responsibility and management in the conduct of same, a maximum amount of uniformity, efficiency, and cooperation between the United States, and information as to unemployment.

Briefly, the bill provides:

1. Object: (a) The provision of a really adequate free employment service nation-wide in scope.
- (b) Retention of local responsibility and management in the conduct of same.
- (c) The maximum amount of uniformity, efficiency, and cooperation between offices.
- (d) Information as to unemployment.
2. Federal instrumentality created: The United States Employment Service is created as a bureau in the Department of Labor; the chief officer is to be a director general. All officers, employees, and assistants shall be appointed under civil service laws and paid under the classification act.
3. Method of operation: (a) Federal aid to States. Seventy-five per cent of the amount appropriated under the bill is made available for apportionment to the various States in proportion to population. In order to secure moneys so made available a State must match the Federal contribution.
- (b) Federal offices: Where States refuse to cooperate with the Federal Government the employment service may operate Federal employment exchanges without State cooperation.
- (c) Central office activities: (1) Make available information gathered from the system of offices as to work opportunities and persons unemployed.
- (2) Clearance of unemployed workers between offices.
- (3) The establishment of uniform procedure and standards.
- (4) Assistance in transportation of workers.
4. Methods of securing effective State cooperation: (a) A State must accept by an act of its legislature the provisions of this act before it can participate in the benefits under this act.
- (b) The State must submit its plans for the public employment system to the director general and secure his approval.
- (c) It must submit periodic reports on the basis of which the director general may determine whether the system is operating up to standard.
- (d) To secure the benefits of the act it must secure a certificate from the director general which may be revoked for cause.
5. Methods of securing industrial cooperation: (a) Through advisory councils, both Federal and State, composed of equal numbers of employers and employees.
- (b) By adhering to a policy of neutrality in labor disputes, impartiality, and freedom from politics.
- (c) Applicants for work must be given notice of strikes or lockouts, if any, in the work places to which they are referred.
6. Benefits to a cooperating State: (a) Grants in aid apportioned on the basis of population, which grants must be matched by an equal State appropriation.
- (b) Information collected from all cooperating offices.
- (c) Clearance service for workers.
- (d) Free mail privilege.
7. Temporary provisions: Section 10 makes possible several temporary adjustments for a period of three years until such time as this system can get under way.
8. Specialization offices: Provision is made for authority to operate offices for individual occupations and trades.
9. Appropriations authorized, \$4,000,000.

There are 13 sections to the bill, which, briefly stated, provide as follows:

Section 1. United States Employment Service: The United States Employment Service is created as a bureau in the Labor Department,

under a director general receiving a salary of \$10,000 per annum. The existing United States Employment Service is abolished.

Section 2. Civil service: A woman assistant director general and all other officers and employees and assistants shall be appointed subject to the civil service law and paid in accordance with the classification act.

Section 3 (a). Functions of the employment service: 1. To establish and maintain a national system of employment offices.

2. To cooperate in establishing and maintaining State employment offices.

3. To coordinate employment services throughout the country by:

- (a) Publishing information.
- (b) Maintaining a clearing system.
- (c) Establishing uniform standards of procedure.
- (d) Aiding in transportation of workers.

Policy of the service: Impartiality, neutrality, and freedom from politics.

Section 3 (b): The act shall be administered by the United States Employment Service. The cost of the administration shall not exceed 5 per cent of the amounts appropriated under this act.

Section 4. State acceptance: In order to receive the benefits of State-aid appropriations a State must accept the provisions of the act and designate an agency to cooperate.

Section 5 (a). Appropriations authorized: \$4,000,000.

Appropriations distributed: Seventy-five per cent for State aid in proportion to population; 25 per cent for administration (limited to 5 per cent under sec. 3 (b)); Federal employment offices and other functions of the Federal service.

State contributions: In order to receive a State-aid grant the State must appropriate an amount equal to the State-aid grant, which must be not less than 25 per cent of the amount apportioned to the State and not less than \$5,000.

Section 5 (b): Details in the expenditures of the moneys appropriated.

Section 6. Methods of appointment: The apportionment must be made within 60 days after an appropriation and the amount necessary for administration and the amount apportioned to each State must be certified to the Secretary of the Treasury and to the treasurers of the several States.

Section 7. Certification: Within 60 days after appropriation the director general must ascertain whether the State has accepted the provisions of the act, the amount appropriated by the State, and whether the State has complied with the requirements of this act. The director general shall then certify to the Secretary of the Treasury the amount to be paid to each State.

Section 8. Approval of State plans: In order to secure the benefits of this act the State must submit and secure the approval of its plans from the director general.

Section 9. State reports, revocation of certificates: State agencies shall make reports to the director general and the director general may revoke or withhold certificates if the State agency has not properly expended the money appropriated or paid to it. Appeal may be taken to the Secretary of Labor.

Section 10. Temporary provisions for a period of three years: (a) Where no State system of offices is in existence the director general may maintain a Federal system with funds apportioned to the State.

(b) Where there is a State system but no compliance with section 4, the director general may maintain a cooperative system by agreement with the governor of the State.

Section 11. (a) Advisory councils: The director general shall establish advisory councils of employers and employees.

Section 11. (b) Strikes and lockouts: Applicants for employment shall be given notices of strikes and lockouts.

Section 11. (c) Specialization offices: Under this act the director general may provide for the establishment of offices for individual occupations.

Section 12. Rule-making power: The director general with the approval of the Secretary of Labor, may make rules and regulations.

Section 13. Franking privilege: Postmaster General directed to extend the franking privilege to Federal offices and to cooperating State offices.

To this necessary piece of legislation there is strong opposition, as I have stated, from the Manufacturers' Association, and I am sorry to say also from some Members of the House.

Now, gentlemen, in this day and age, the argument that a provision by Congress to cooperate with the States on the question of unemployment is an infringement on the part of the National Government on States rights, it seems to me is so antiquated, is so much out of place as not to warrant serious consideration were it not for the fact that this particular organization, the Manufacturers' Association, we have learned in the past, is very powerful in shaping legislation.

As you will see from the bill, the purpose of establishing these employment agencies in each State is to bring about some sort of intelligent coordination in the placement of labor, to exchange information, and to regulate the flow of labor in the sections that have seasonal work.



The bill provides for cooperation with each State as such States will appropriate and establish their own local employment agencies; and in the absence of a State taking action and failing to provide, then it authorizes the director general for a period of one year to establish an employment agency in such State.

The manufacturers' brief points out, and, I think, capriciously, that such matters are purely local, matters purely for the State, and that the offer of the Government to contribute to State funds in order to carry on the work jointly is seductive and destructive of States rights. For the Federal Government to assist the State of Illinois to be informed of unemployment in New York, the brief argues, is an infringement on the rights of Illinois. For the national Government to establish a uniform system of employment agencies is unconstitutional according to the lawyers of the Manufacturers' Association. Such opposition based on constitutional grounds is not tenable and is not sound.

I want to call the attention of the House to the many activities that the Federal Government has been compelled to undertake by reason of changed conditions, changed methods of transportation, quick means of communications, growth of industry, close and intimate business relations overlapping State boundaries, all of which have created an economic unification of the country.

For instance, has it ever been questioned that it is proper for the Federal Government to submit weather reports from one State to another? Clearly, the weather condition in the State of Kentucky is purely a local matter, but yet the farmers of Illinois are concerned as to what the weather conditions are there and what the forecast may be for the next day. Has anyone questioned the power of the Federal Government or the right of the Federal Government to assist agriculture in obtaining information as to the amount of crops, wheat, cotton, and grain; purely a local State matter, if you please, but we have daily bulletins on the condition of the crops in each State for the general use of all of the States. Has it ever been questioned that in order to bring about comprehensive, uniform flood relief the Federal Government may go into one State and there spend public funds on construction of a work entirely within that State, because of the effect a flood in one State may have in another State?

Why, gentlemen, if the establishment of a national employment system is unconstitutional, then what would you call the farm relief bill that we passed? Surely that goes into each local State, provides funds for local cooperatives, and while many years ago such a law was not necessary, we found that we had to do something to cope with the situation. How about our Federal-aid highway system and vocational rehabilitation?

Then take our Public Health Service. How often do we send our public health officials into a State to conduct local research with respect to epidemics of disease that are purely local, as in the case of pellagra? We had no pellagra up in Maine or Vermont or New Hampshire, yet it was a matter of national concern. It was localized in some of the Southern States, and we sent the Public Health Service down into those States to make the research, and they were very successful.

So that in the economic mechanical age in which we are living, State lines can not be closely drawn. State rights, I am sorry to say, has too often been used as a weapon to prevent progressive legislation. In this instance many exploiters of labor may be found raising the cry of "State rights" and the Constitution in order to prevent the enactment of necessary legislation to control and abolish unemployment.

The constitutional limitations must necessarily be construed in the light of the day in which we are living. We can not take constitutional construction when the Constitution was adopted, when we had no railroads or telegraphs or steam, when we had no machines, no mass production, and expect the same limitations to be applicable to-day. In the early days each State was a distinct and separate Province, if you please; a State line was an actual boundary. Conditions were different in each State in those days. To-day we have radio, wireless, and airplanes, and an entirely new system of manufacturing—a machine age. The States have been welded into one economic unit. Unemployment in one State is a matter which concerns every other State.

I believe it is one of the most important functions of Government to deal with the question of employment and unemployment. There is the other school of thought which believes that unemployment is a condition to be taken advantage of to drag down wages and to lower labor conditions. This latter school is based on sordid selfishness and lack of vision. Progressive farsighted employers of labor see the advantage and necessity of continued employment, and many industries are

seeking to adjust their activities so as to avoid seasonal occupation and provide steady and uniform work throughout the year.

Now, gentlemen, just as we were compelled to go out and provide machinery and means for the Federal Government to cooperate with farm organizations to prevent exploitation of the farmer, so it is necessary for the Government to provide machinery and means to protect the labor market and not permit distress, destitution, and poverty resulting from unemployment to drag down the standard of living and the standard of wages.

In this day of machinery we have a progressive decrease in the number of men and women employed in industry. You can not prevent that—no one wants to stop the wheels of progress. Look at the labor-saving machinery of to-day. Years ago a subway construction, the digging of a canal, or building a railroad meant thousands and thousands of laborers. All of that is now done more or less by machinery—steam shovels, derricks, pneumatic drills and hammers, welding, and enormous constructions can be seen going on with very few men, most of the labor being performed by machinery and labor-saving devices.

It would not take one-twenty-fifth of the time to-day to build the pyramids that it did when they were constructed. It would not take one-seventh of the time or labor to dig the Suez Canal.

There is hardly an industry to-day that has not in one way or another increased its output and decreased the number of workers at the same time. Labor-saving devices are in every industry, in every office, reducing the number of employed. In the boot and shoe industry 100 machines take the place of 25,000 men. Just think of it. One man can now turn out 35,000 razor blades where in 1913 he could only make 500 in one day. This alone means one man doing the work of 70 because of improved machinery. It is now possible for 200 men using the last type machinery to turn out from 7,000 to 9,000 automobile frames a day. There is a plant so equipped in one of the Middle Western States. While not many years ago the same force of men could turn out but 35 or 40 of the same kind of frames. In steel blast furnaces, according to Mr. William Green, president of the American Federation of Labor, 7 men now do the work of 60 in casting pig iron, and since 1927 and within the last three years improved methods in the Bessemer process the necessary working force has been reduced by 24 per cent.

In machine shops where semiautomatic machines are used 1 man now takes the place of 25 skilled mechanics. Thirty workers with 10 machines can do the work of 240 in the Sun Tube Corporation machine shop, I am informed. A new machine installed by the De Forrest Radio Co. will turn out 2,000 tubes an hour with 3 operatives as against 150 tubes with the old machine and 40 workers. Just think of the old methods of making cigarettes and cigars and the improved machinery in use displacing thousands and thousands of workers. These labor-saving machines are not only found in the industries, in the shops and factories, but in the offices, banks, theaters, and even the homes. The movietone or sound picture has displaced thousands of musicians, who are walking the streets to-day. We can all visualize any large office or bank with its numerous employees adding columns of figures, others tabulating, and many copying records, all of which is now performed by machinery. Why, the office worker has been displaced by machinery almost to the same degree as the skilled worker in the factory. Only recently Members of Congress have had installed in their offices the new telephone dial, which will soon materially reduce the number of operators required for the same number of subscribers.

The other day down in Langley Field the National Advisory Committee on Aeronautics exhibited a machine which performed the highest kind of skilled mechanical work—a machine used in aeronautics to make what is known as an airfoil. It must be made of metal in order to avoid fluctuation and changes, and must be perfect in its measurements and form. Manufacturers could not afford to make them because of the time and great skill required. Now a machine using a wooden model has been devised, and it seems that the machine did everything but think. This machine alone performs in an 8-hour day with one mechanic hundreds of labor hours of work.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. JOHNSON of Washington. Has the gentleman thought of the long, enormous railroad trains of 175 freight cars hauled by electric locomotives, which cut down the crews?

Mr. LAGUARDIA. Yes; not only reducing the number of train crews and other personnel, but also reducing the fuel that was required, thereby displacing men in the mines. This is the same with use of electricity generated by water power or in the case of oil pumped thousands of miles in pipes—all resulting in less men at work.



Mr. JOHNSON of Washington. And on top of that the proposed gigantic mergers of trunk-line railroads will further cut down employment.

Mr. BRUMM. Will the gentleman yield?

Mr. LA GUARDIA. Yes.

Mr. BRUMM. Has the gentleman looked into the number of people who are employed in making electric motors and the people that operate them?

Mr. LA GUARDIA. The number of men employed in making labor-saving devices is a negligible percentage of the number of workers these same machines displace. No, that does not offset the loss of labor by any means. The only method of meeting mechanical changes is by a complete change in our system of labor, hours of work, and factory conditions. I will touch upon that in just a minute.

Mr. BRUMM. Hundreds of thousands are employed in making them.

Mr. LA GUARDIA. True; and many in repairing and maintaining them. As I have just stated, the number is negligible in comparison to the number of workers displaced. We can not and do not want to stop progress, but we must adjust ourselves to the mechanical age and provide accordingly. We must not ignore our responsibility, nor can we dodge it. As mechanics improve economics must change—labor as well as capital must receive the benefits of machinery. The time to solve unemployment problems is when we have no unemployment, and not when we have unemployment. That is far-seeing constructive legislation, and I say that American labor will refuse to lower its standard of living and will refuse to fall in line at a charitable soup kitchen. Although we have at the present time unemployment we must not only meet the situation but must give this question serious study in order to provide means to avoid repeated periods of unemployment. An economic system which carries cycles of unemployment certainly requires some change. There is no more justification for unemployment in this day and age than there is for epidemics of preventable disease. As sanitation wiped out malaria so must constructive legislation abolish unemployment.

Mr. BOYLAN. Mr. Speaker, will the gentleman yield?

Mr. LA GUARDIA. In a moment. I call the attention of the House to the fact that we have repeatedly tried in many States to solve this problem and that it is impossible for one State to solve it unless every other State comes up to the same standards. Many States have provided up-to-date factory laws, have limited the hours of labor, have provided against the employment of children, only to find the minute they do so they are met by unfair competition from other States that refuse to keep abreast of the times.

Mr. WAINWRIGHT. Mr. Speaker, will the gentleman yield?

Mr. LA GUARDIA. Yes.

Mr. WAINWRIGHT. I call my colleague's attention to the fact that he may have overlooked, that 20 years ago the State of New York through a commission considered this whole question of unemployment and arrived at the conclusion that in default of finding jobs, the most effective thing was through a system of employment agencies, and they ran right up against the problem that employment agencies in one State, without the cooperation of the Federal Government, or the United States, would be ineffective.

Mr. LA GUARDIA. Yes; I want to add right here, because my colleague from New York is too modest to say so, that Colonel WAINWRIGHT, who was then a State senator, was the chairman of that commission, a most exhaustive study was made of the problem of unemployment. The commission submitted many sound and constructive recommendations. Many of the remedies then suggested have been put into effect in the State of New York. Many other changes require uniform action in all States. As to national employment agencies, the able New York legislative commission of which Colonel WAINWRIGHT was chairman, as far back as 1911 recommended the need of just such a plan as Congress should consider. I read from page 55, Appendix No. 1, Report of Committee on Unemployment, New York State Employers' Liability Commission, Second and Third Reports and Evidence, April, 1911:

We must conclude that unemployment is a permanent feature of industrial life everywhere. It is a risk to which our wage earners are constantly subjected. A reserve of labor is needed to meet the fluctuating requirements of industry. There must be unemployed people ready to begin work when the busy seasons come, when employers want to extend their operations, when extra hands are needed anywhere.

Although the normal development of our industrial system makes this unemployment necessary and inevitable, the State of New York assumes no responsibility toward the able-bodied unemployed. No organized attempt is made to prevent suffering and degeneration among those who have to act as reserves in our industrial army. Only when

the unemployed have become sick, disabled, and pauperized, when they apply for admission to a charitable institution, or when they have become homeless and criminal and are arrested for vagrancy or breaking the law—only then do our public authorities take any notice of them. While foreign governments are devising and establishing agencies to prevent unemployment as far as possible and to provide against the degradation of those who have to be unemployed, our State is content to allow the idleness to have its full effect. Instead of helping the unemployed to remain or become self-supporting, our policy is to establish State and philanthropic institutions to take care of them when they are no longer able to provide for themselves.

Now I will read an interesting extract from the same report, which will show that as far back as 1908 the Federal Government was actually doing what to-day we intend doing, and is being opposed on the ground that such activity is unconstitutional and an infringement of State rights. The report says:

There are two government agencies in this State, part of whose work is to secure places for unemployed wage earners. One is national, the division of information of the United States Bureau of Immigration, and the other is the bureau of information and statistics of the New York State department of agriculture.

The Federal division opened its office in New York early in 1908. There are branches also in Baltimore, Galveston, and Chicago. The law which created the division states that it shall gather information with regard to opportunities for work in all parts of the Union and to give this information to immigrants and to all others who may apply. It was designed mainly as a means of distributing the immigrants. The work of the bureau is greatly facilitated by the franking privilege which it enjoys. Inquiries are sent to rural post offices, with instructions to distribute them to the farmers. These are requested to fill out the blanks with regard to the opportunities for work in the neighborhood. The office is thus able to use the postmasters as correspondents who send in information as to the conditions in each county throughout the country.

Unfortunately the work of free employment offices in the United States has been hampered by politics in the management and by inadequate appropriations. \* \* \*

Not the least of the value to be gotten out of the public employment offices is the information they might give regarding the extent of unemployment, the causes, and the remedies that are needed. The inadequate appropriations have prevented most of our offices from hiring the clerical force needed to keep records. \* \* \*

The experience of England with employment exchanges is referred to in the same report. The reference made in 1911 is indeed of interest to-day.

The labor exchange act was passed by Parliament in September, 1909. It met with practically no opposition. Experience under the unemployed workmen act showed its necessity and both the majority and the minority of the royal commission on the poor laws had recommended a national system of labor exchanges. The first exchanges were opened in February, 1910, so that their results could hardly be judged at the time of our visit, which was only six months later.

The law on which the system of exchanges is based is very simple, merely giving general powers to the board of trade to establish, take over, and maintain labor exchanges, and to make regulations for their management. Any regulations so made have the effect of law. Two sets of regulations have thus far been made under the act. The first was general, relating to registration, policy in time of strikes, advances of transportation, advisory committees, etc. The second related particularly to juvenile applicants for employment. The number of exchanges and where they were to be located was not fixed. This, too, was left to the board of trade.

The labor exchanges are conducted by the labor department of the board of trade. The president of the latter is a member of the cabinet, the director of the exchanges is a subordinate of the head of the labor department. All the expenses are paid out of parliamentary funds.

There is a central office in London which directs the work of the whole system of exchanges. Its work is purely that of organization and administration. Mr. Beveridge presides over the central office, and under him there is a general manager and a woman supervisor, whose activities cover the whole country. The country is divided into 11 divisions, each under the control of a divisional officer whose office acts as a clearing house to arrange the transfer of workers from one part of the country to another. The divisional officers are the responsible heads in each division and the selection of the office force is left in their hands. All appointments, however, must be passed on by the director and approved by the president of the board of trade.

That is exactly what we are seeking to do in this country. Senate bill 3060, introduced by Senator WAGNER, of my State, answers the purpose fully.

Mr. CLARKE of New York. And is not the very argument the gentleman is making carrying out in permanent form the policy of the President of the United States when he called the governors of the States and the industrial leaders and the



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labor leaders into a meeting to meet a condition that was temporary, when it ought to be made permanent by the Government itself; and BOB WAGNER is entitled to the highest praise for his measures. [Applause.]

Mr. LAGUARDIA. That is why I am supporting his bill. As the gentleman from New York [Mr. CLARKE] has just pointed out, the President of the United States has pointed the way. It is up to Congress, though, to follow up. We must take the initiative in solving this great national problem. First, Congress must enact all the necessary legislation over which the Federal Government has jurisdiction. Then we must do everything possible to crystallize public opinion on the subject. Third, we must provide ways and means of doing officially everything which the President is now seeking to do with volunteers and voluntary cooperation. Fourth, we must strive to bring about uniform State laws dealing with labor, factory laws, employment of children, old-age pensions, and unemployment insurance. In many of these subjects Congress has no jurisdiction; they are purely State matters. We can and must, through proper influence, aid and, by financial cooperation, bring about in each of the States such laws, conditions, and changes as to establish uniformity. The President did call in unofficial conference the governors of the States and the industrial leaders; but this matter can not be permanently solved by proclamations or by good will or by desire. Something concrete must be brought about. The gentleman from Massachusetts [Mr. GIFFORD] a few weeks ago pointed out to the House the necessity of uniform labor laws controlling the hours of labor and the number of days in a week, controlling child labor, and urging the necessity of uniformity in these laws in every State of the Union. Mr. James Dunn, of the New Bedford Times, wrote a very able editorial on the subject. Massachusetts is indeed in a position to speak. That State has sought to enact progressive labor legislation only to find itself penalized by having her industries attracted to other States which refuse to enact similar beneficial legislation.

What good does it do if one or more States seek to solve the problem of the machine age by reducing the hours of labor in order to employ more workers if other States refuse to do likewise and attract the industries within their own borders, thereby continuing the calamity of unemployment with its attendant poverty, misery, and distress? The hours of labor is one of the first matters in uniformity which must be brought about. I will read Mr. Dunn's letter and my reply:

THE NEW BEDFORD TIMES,  
New Bedford, Mass., May 23, 1930.

HON. FIORELLO H. LAGUARDIA,  
The Potomac Park, Washington, D. C.

DEAR CONGRESSMAN LAGUARDIA: I desire to call your attention to the inclosed reprint of my editorial in the New Bedford Times of May 19, "Disease and Cure."

The points brought out in that editorial are strictly in sequence to the principles developed in the two former letters which I sent to you and your associates in the entire membership of both Houses of Congress under dates of December 6, 1929, and January 17, 1930.

I must call to your attention as forcefully as possible that no problem considered by Congress can ever be more important than the reassuring of earning power to our present vast and increasing numbers of unemployed workers. I might add that the great majority of measures coming before both your Houses are of far less value than the diligent consideration and solution of this question. For in last analysis every item of our national advance—regained prosperity, security, and success—must depend on the measure in which we replace stable earning power in the hands of our willing and capable workers, now unemployed in increasing numbers and with steadily decreasing expectation of being again in possession of occupations insuring their livelihood.

I would mention that I have not only twice called this whole matter to your attention and to that of all other Members of both Houses of the Congress as above mentioned, but I also appeared personally before the committee on constitutional law of the Massachusetts General Court, February 3, 1930, urging the delivery by the general court of a memorial to Congress supporting a constitutional amendment to enable your Houses to legislate for equal hours in all American industry.

I would remark in closing that no effort made by any Member of either House in the Congress will ever assume such capital importance in the eyes of our people as a bona fide stroke at once for the righting of the present unbalanced condition of industry, machinery, and human labor throughout the United States.

Equal hours in industry must be the answer.

The wise national legislator is the one who acts, and acts without delay, on that conviction.

Very respectfully yours,

JAMES DUNN, Editor.

THE NEW BEDFORD TIMES,

Times Building, New Bedford, Mass.

GENTLEMEN: I beg to acknowledge receipt of your letter of May 23, 1930. You hit the nail right on the head.

We must have uniformity of labor laws. We are now suffering from the very condition you seek to remedy. Child labor, liability compensation, factory hours, and income tax have all been provided by progressive and enlightened States. States refusing to keep abreast of the times advertise that fact, attracting industries, and thereby competing with industries which are seeking to give labor a square deal.

Rest assured I will do everything within my power to bring about uniformity of laws or through a constitutional amendment, as you suggest. I fear Congress will not awaken to this necessity, nor will politicians of either party until we go through a crisis of the worst kind. Nothing can stop it unless something constructive is adopted in the immediate future.

Very truly yours,

F. H. LAGUARDIA.

Mr. GIFFORD. Mr. Speaker, will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. GIFFORD. I wish to say to the gentleman that I very much appreciate his remarks at this time, as I once requested of him to take up this matter, and he had already planned to do it. I would gladly cooperate with him in the movement he is advocating. I regret that he is not hopeful of a constitutional amendment. England has a 48-hour law and no night work. Only through Federal action can this be fully brought about in the United States.

Mr. LAGUARDIA. There are two ways this can be brought about, either by constitutional amendment giving the Federal Government jurisdiction—and at the present state of mind of the American people I see no hope of getting such a constitutional amendment—or by providing machinery and crystallizing public opinion in every State so as to bring about the enactment of uniform State laws. Carrying out the way pointed out by the President of the United States, I am introducing a resolution authorizing the President of the United States to call a conference on uniform labor laws, and to invite each State to send two delegates to this conference. Of course, the conference could only make recommendations, but this is necessarily a slow process. A start must be made. I provide in my resolution—

That the President of the United States be, and he hereby is, authorized to extend an invitation to each of the several States, Porto Rico, and the Territories of Alaska and Hawaii, to participate, in the manner hereinbelow set forth, in a national conference for the purpose of drafting model labor and social welfare laws, to be submitted to the respective States for their consideration.

SEC. 2. The President of the United States is authorized to invite each of the several States and Territories to send two delegates to attend said conference herein provided, at such time and place as he may elect.

SEC. 3. Said conference shall be opened by the President of the United States and shall then proceed to organize and elect its own officers and formulate its own rules. Immediately thereafter it shall proceed to the consideration of model laws to be submitted to each of the States for their respective consideration on the subject of daily hours of service, number of days in the working week, factory laws and regulations, employment of children, employment agencies, unemployment insurance, old-age pensions, and any subject it may deem related and pertaining to labor conditions and the prevention of unemployment.

SEC. 4. Each delegate shall receive the same mileage expense allowed to Members of the House of Representatives and shall receive \$20 expense allowance per diem.

SEC. 5. On completion of the work of the conference, which shall not exceed 100 conference days, the findings will be submitted by such conference to the legislatures of the respective States, Territories, and insular possessions; thereupon the President of the United States shall issue a proclamation announcing the termination of the said conference and recommending to the respective States their earnest consideration of the recommendations made by said conference.

SEC. 6. The Comptroller General of the United States shall assign an employee to act as the disbursing officer for the said conference and such additional employees as he may deem necessary to disburse and keep the accounts of said conference, and the President shall designate a clerk and such additional employees, clerical assistants, stenographers, messengers, and pages as he may deem necessary by assignment from any department of the Government or by special appointment, in which case he shall fix their respective salaries. There is hereby authorized to be appropriated, out of the Treasury of the United States, such amount as may be necessary to defray expenses of the said conference.



It will be noted that the conference is official and all expenses paid by the Federal Government. The governors would surely appoint competent delegates and the recommendations made would surely be seriously considered by the various States. Such a conference would bring forth the best thought on the subject in the country and I believe would be the starting point for the changes necessary to prevent the curse of unemployment.

Mr. KVALE. Mr. Speaker, will the gentleman yield?

Mr. LA GUARDIA. In a moment. Upon the termination of the conference, which I provide shall not exceed 100 conference days, the President, by proclamation, would submit the findings of the conference to each of the States for their respective consideration.

Mr. BOYLAN. Mr. Speaker, will the gentleman yield?

Mr. LA GUARDIA. Yes.

Mr. BOYLAN. Does not the gentleman think that the Government has been remiss, as is shown by the Navy Department laying off men in the Navy yards at Philadelphia, New York, and Boston, at the very time when we ought to give employment?

Mr. LA GUARDIA. I am speaking from a broader sense. Unemployment in the navy yard is only one of the symptoms of the evils I am speaking of. When we solve the problem we will be able to absorb navy-yard surplus labor. It is indeed a sad commentary if we must build battleships and go to war in order to solve our unemployment difficulties. I do not believe in going to war to kill off labor in order to reduce unemployment.

I am trying to prevent such antiquated, inhuman conditions, and deal with the subject in a constructive and enlightened way. Of course, there is unemployment in many factories, in many industries, and there is unemployment in some of the Government arsenals. If we have such a conference I believe that public opinion could be so crystallized back of a program of uniform laws as to bring the enactment of such laws into nearly every State of the Union.

Mr. KVALE. Will the gentleman consider adding to his resolution for the conference the specific charge to inquire into the extent to which middle-aged and old men are employed?

Mr. LA GUARDIA. That would be covered under old-age pensions, because we know now, in this machine age, with the surplus man power that we have, a man 45 years of age has difficulty in getting a job, and a man 50 years of age can not find a job, and a man 55 years of age is left out entirely.

Mr. MOUSER. Mr. Speaker, will the gentleman yield?

Mr. LA GUARDIA. Yes.

Mr. MOUSER. Is it not just as much the duty of the Government to make a survey as to unemployment as to make one with respect to agriculture?

Mr. LA GUARDIA. Yes. I think the results that would follow from the passage of S. 3061 and S. 3060 would give us valuable information. At the present time we have private and local surveys. I think every man in the House must know, from the pressure and the information he receives from home, that there is a vast amount of unemployment in every section of the country. It is a national problem. I have heard some say that my resolution is too novel and startling, if you please. I therefore hope the country will have time to consider it and realize that it is a practical way of dealing with this subject. When we come back in December I hope my conservative friends in the House will see the necessity of doing something concrete now to provide the machinery and the means of avoiding unemployment.

And, gentlemen, unemployment can be avoided. The problem can be solved. Changes in labor conditions must be as drastic as improvements in machines. We must soon get to a shorter day and a shorter week. Do not tell me that industry can not afford it. The preservation of national contentment and existence demand it. An industry that can not afford to pay labor an adequate living wage has no right to exist, because industry can not exist without labor. A nation must see to it that its people are usefully and profitably employed. We can not stop the use of machinery, but we can by legislation enact laws which will enable American citizens and human beings to live decently. [Applause.]

Gentlemen, surely legislators must be able to display the genius of the age in which we are living. Can it be said that while mechanics, electricity, chemistry are striding forward legislation is unable to move? I refuse to concede any such legislative atrophy. What good is progress, science, and invention if they are not to be used for the benefit of all the people? What good is it to a country in the long run if millions of dollars of profits are made by industries if at the same time millions of men, women, and children are starving by reason of unemployment. We must, as legislators, face the situation and as new methods of production are brought forth be ready

to improve conditions of labor. We must make a start, and we must do so promptly. An unemployed man with hungry children to feed and unable to do so though willing and able to work should not and must not exist in this country. With shorter hours, a shorter week, care for the aged, abolition of child labor exploitation, the unemployment can be solved. We can no longer simply deplore existing conditions and wait for better times to come. We must do something about it. I have here outlined the minimum program. The thing to do is to get started. [Applause.]

Mr. LEAVITT. Mr. Speaker, will the gentleman yield there?

Mr. LA GUARDIA. Yes.

Mr. LEAVITT. During the World War the Government built up an employment agency, as the gentleman will recall.

Mr. LA GUARDIA. Yes. That is the most discouraging part of this whole problem. In war time we can concentrate all the power of the Government, all the resources of the Government, to prepare to efficiently and successfully kill people and destroy property, but in peace times we are confronted with all sorts of restrictions and limitations and constitutional arguments when we try to keep people profitably employed and make them healthy and happy. [Applause.]

REPRESENTATIVE ROBERT LUCE

The SPEAKER. The gentleman from Nebraska [Mr. HOWARD] is recognized for five minutes.

Mr. HOWARD. Mr. Speaker, many are the moments of happiness vouchsafed me here in presence of this galaxy of superior mentalities in the realms of erudition, oratory, and statecraft, and the happiest of moments is when I am privileged to discover in one of our colleagues some new evidence of his rare and scintillating genius.

I have made one of those happy discoveries. I found it in this morning's Washington Post, carrying report of an address made last evening before the National Grand Old Party Club by our colleague from Massachusetts, Mr. ROBERT LUCE. In that address the speaker lauded President Hoover to heights not hitherto attained by any mortal, averring that the Nation's present unexampled era of prosperity is wholly due to the wise workings of the presidential mind.

Mr. Speaker, perhaps none within these walls has failed to observe the vast erudition of the gentleman from Massachusetts. America does not hesitate to accord him a place near the top of parliamentarians, living and dead. As an author, he is voluminous; as a logician, profound; as a legislator, alert and able. In the ranks of the spellers he had held first place above all others for more than a half century until quite recently, when, regardless of the plain dictates of Puritan propriety, and in a pitiless public light, he fell down on a kimono.

And now, since the delivery of that masterful address to the National Grand Old Party Club last night, the usually sedate and ponderous statesman from the rim of Plymouth Rock must be accorded a place as first among his equals in the ranks of humorists. None had expected it, and for that reason the knowledge of it comes refreshingly. Let me read once again the newspaper headlines: "Luce lauds Hoover. Avers prosperity is due to Hoover."

While the appearing of this new and most brilliant star upon the sky of humor is rapturously applauded by an appreciative world, yet I hesitate to participate loudly in the applause, realizing, as I must, that with the rising of this brilliant humoristic meteor from Massachusetts must quickly go down to oblivion that trinity of lesser humoristic lights so loved by all mankind—Will Rogers, Amos, and Andy. And so, while not entirely withholding my meed of applause for the living LUCE, my sympathy flees to the bedsides of those three former great ones in the realms of humor—Will Rogers, Amos, and Andy—as suddenly they find themselves hurled from the highest pinnacles of popularity to the open door of oblivion by the coming of this master of humor from Massachusetts. [Laughter and applause.]

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 976. An act providing that subscription charges for newspapers, magazines, and other periodicals for official use may be paid for in advance.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 4046. An act authorizing the erection, maintenance, and use of a banking house upon the United States military reservation at Fort Lewis, Wash.

The message also announced that the Senate agrees to the amendments of the House to the bills of the following titles:

S. 3898. An act granting the consent of Congress to the Mill Four Drainage District, in Lincoln County, Oreg., to construct,



maintain, and operate dams and dikes to prevent the flow of waters of Yaquina Bay and River into Nutes Slough, Boones Slough, and sloughs connected therewith; and

S. 3950. An act authorizing the establishment of a migratory bird refuge in the Cheyenne Bottoms, Barton County, Kans.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 3619) entitled "An act to reorganize the Federal Power Commission," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. COUZENS, Mr. WATSON, and Mr. PITTMAN to be the conferees on the part of the Senate.

#### LEAVE OF ABSENCE TO SUBSTITUTES, POSTAL SERVICE

The SPEAKER. The Clerk will call the Consent Calendar. The first business on the Consent Calendar was the bill (H. R. 3087) granting leaves of absence with pay to substitutes in the Postal Service.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That hereafter substitute post-office clerks, substitute city letter carriers, and substitute railway postal clerks shall be included in all acts granting leaves of absence with pay to postal employees.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That hereafter, when substitute postal employees have worked a total of 1,224 hours, they shall be entitled throughout their period of substitution in each fiscal year to leave with pay at the rate of one and one-quarter days for each 204 hours' service rendered; and sick leave with pay at the rate of five days for each 1,224 hours' service to be cumulative throughout period of substitution and continued, if not used, to the credit of the substitute after his appointment to the regular force."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

#### SHORTER WORK DAY ON SATURDAY FOR POSTAL EMPLOYEES

The next business on the Consent Calendar was the bill (H. R. 6603) to provide a shorter work day on Saturday for postal employees, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON, Mr. HOCH, Mr. BELL, and Mr. McCLINTIC of Oklahoma objected.

The SPEAKER. Three objections are made and the bill is stricken from the calendar.

Mr. TILSON. Mr. Speaker, I ask unanimous consent to proceed for one minute in connection with the bill to which objection has just been made.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. TILSON. Mr. Speaker, there were two bills on the Consent Calendar to-day, relating to either a Saturday half holiday or to a less number of hours per week for Government employees. To one of these objection has just been made. There is another bill; I think it is No. 570 on the Consent Calendar, which refers to the same general subject of shorter hours per week for other employees of the Government. In view of the probable objections to this bill, as were indicated by a minority report having been filed against it, and the probable objection to the subsequent bill of the same character for the same reasons, I have asked the President to have made, through the Director of the Budget, a survey of this subject, in order to consider the feasibility and the additional cost of the legislation, whether the present service can be continued without serious curtailment, or without too serious additional cost, and to report to Congress at the beginning of the next session of Congress. My request for this survey covered all the employees of the Government.

Mr. KENDALL of Pennsylvania. Will the gentleman yield?

Mr. TILSON. I yield.

Mr. KENDALL of Pennsylvania. Will that include postal employees?

Mr. TILSON. Yes; surely.

Mr. KENDALL of Pennsylvania. It is not in the bill now.

Mr. TILSON. But it is in the bill that has just been objected to.

Mr. KENDALL of Pennsylvania. Just for the postal employees; but the other bill includes all employees of the Government except postal employees.

Mr. TILSON. I have asked that a survey be made of the entire field, so that all Government employees may be treated substantially alike so far as practicable. Without objection, I should like to read into the RECORD the acknowledgment of my request, so that it may be a matter of record.

This will acknowledge receipt of request which you made the other day that a study be made by the Director of the Budget and other governmental agencies as to the feasibility, practicability, and additional cost, if any, of the legislation now pending in the House providing for a Saturday half holiday of governmental employees, or a 44-hour week.

This matter has been considered and such a study will be made in accordance with your suggestion, to be ready and available when Congress convenes next December.

Sincerely yours,

WALTER H. NEWTON,  
Secretary to the President.

Mr. BLANTON. Will the gentleman yield?

Mr. TILSON. I yield.

Mr. BLANTON. There is a bill pending which seeks to grant to all employees of the Government everywhere in the United States a half holiday on Saturday during the hot summer months, which half holiday is now enjoyed by all of the Government employees here in the District of Columbia. Is there any chance of passing that bill before we adjourn?

Mr. TILSON. I have asked that this entire matter be studied and reported upon by the Bureau of the Budget, which has the closest possible relations with all the different services of the Government, so that all employees of the Government may be treated fairly and with substantial equality so far as practicable.

Mr. BLANTON. Yes; but if we are going to give a half holiday on Saturday during the hot summer months to all of the Government employees in the District of Columbia we should likewise give it to all employees of the Government everywhere in the United States, which embraces all of the postal employees of the Government.

Mr. TILSON. I desire that a study of the entire matter be made before we meet again next December. Summer is now coming on and many of the Government employees have a Saturday half holiday already during the summer months.

Mr. BLANTON. But those outside the city of Washington do not have a half holiday on Saturday during the hot summer months.

Mr. TILSON. They are to be included in this study, so that if possible all may be treated alike.

The SPEAKER pro tempore (Mr. MICHENER). The time of the gentleman from Connecticut has expired.

Mr. HOCH. I ask unanimous consent to proceed for one-half minute.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. HOCH. Mr. Speaker, I would like to say that I offered an objection to this bill because of the necessity of this survey in order that we might know just how the various branches of the service would be affected and how much it would cost. That was the reason for my objection, and not because of any belief formed against the principle itself of the bill. I believe that survey should be made; I knew it was going to be made, and for that reason I felt that this is not a measure to be acted upon by unanimous consent. It should come up when we have all the facts and the bill can be considered on its merits under the rules of the House.

#### SALARY GRADES, MECHANICS' HELPERS

The next business on the Consent Calendar was the bill (H. R. 9227) to establish additional salary grades for mechanics' helpers in the motor-vehicle service.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That section 6, paragraph 3, of the act entitled "An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes," approved February 28, 1925 (43 Stat., p. 1060; U. S. C., title 39, sec. 116), and the act entitled "An act to allow the Postmaster General to promote mechanics' helpers to the first grade of



special mechanics," approved May 29, 1928 (45 Stat., p. 998; Supp. III, U. S. C., title 39, sec. 116), are hereby modified to read as follows:

"The salary grades of mechanics' helpers employed in the motor-vehicle service shall be \$1,600, \$1,700, and \$1,800 per annum: *Provided*, That original appointments shall be made to the \$1,600 grade, and promotions shall be made to the next higher grade at the beginning of a quarter following one year's satisfactory service in each grade: *Provided further*, That after one year's service in the \$1,800 grade mechanics' helpers may be promoted to the first grade of general mechanics or special mechanics, as vacancies occur: *Provided further*, That this act shall be effective July 1, 1930."

With the following committee amendment:

On page 2, line 13, after the word "may," insert the following: "in the discretion of the Postmaster General."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

#### MOUNT MCKINLEY NATIONAL PARK, ALASKA

The next business on the Consent Calendar was Senate Joint Resolution 155, to provide for the naming of a prominent mountain or peak within the boundaries of Mount McKinley National Park, Alaska, in honor of Carl Ben Eielson.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

The Clerk read the resolution, as follows:

*Resolved, etc.*, That a mountain or peak, unofficially known as Copper Mountain, located at the headwaters of the Mount McKinley River, lying in a northeasterly direction from Mount McKinley National Park, Alaska, is hereby permanently named Mount Eielson in honor of the pioneer work in aviation performed in Alaska and the north by Carl Ben Eielson.

The resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the resolution was passed was laid on the table.

#### UNITED STATES NAVAL HOSPITAL, WASHINGTON, D. C.

The next business on the Consent Calendar was the bill (H. R. 9676) to authorize the Secretary of the Navy to proceed with certain public works at the United States Naval Hospital, Washington, D. C.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I have an amendment to suggest which I understand is agreeable to those in charge of this legislation. This bill proposes a large medical-unit development at the Naval Hospital. Adjacent to that is to be constructed very soon the national headquarters of the Pharmaceutical Association of the United States, also the Public Health Service building, and it seems to me it is highly desirable, if possible, to bring together there other medical activities, possibly the Army Medical Museum and Library and other things. In order that there may be some unity of thought in all of that building program, I am asking that a provision be incorporated—which I have discussed with Mr. Wetmore, the Supervising Architect—so that the construction will be subject to the approval of the Public Buildings Commission and the plans submitted to the Fine Arts Commission. I will offer that amendment if the bill is taken up for consideration.

The SPEAKER pro tempore. Is there objection?

Mr. McCLINTIC of Oklahoma. Mr. Speaker, reserving the right to object—and I do not intend to object—I simply want to say that an agreement has been made between certain proponents of the bill and myself with respect to certain amendments; and following the terms of that agreement, I do not object and will offer two amendments to the bill which have been agreed upon.

Mr. BLANTON. Mr. Speaker, reserving the right to object, I want to ask the gentleman from Illinois a question.

Mr. WOODRUFF. If the gentleman will direct his questions to me, I will be glad to answer them.

Mr. BLANTON. I would like to know what is going to be the ultimate maximum limit of cost which is going to be approved by the gentleman and his committee in reference to this hospital?

Mr. WOODRUFF. I will say to the gentleman from Texas that the gentleman from Oklahoma proposes to offer in due time an amendment to the bill reducing the authorization from \$3,200,000 to \$1,500,000. That amendment meets the approval

of the committee, and I am authorized to say that the committee will be glad to accept the amendment.

Mr. BLANTON. I am not going to object, but I just wanted an understanding. The amendment will mean nothing if it is the intention of the committee later on to go ahead with the plans just as if this amendment were not adopted and then provide additional appropriations later.

Mr. WOODRUFF. My friend from Texas will realize that no Member of this House can look into the future and see the demands to be made by any department of this Government.

Mr. BLANTON. Is not it a fact that hospital can not be built for the \$1,500,000?

Mr. WOODRUFF. I have not the slightest idea that it can.

Mr. BLANTON. Does not the gentleman know that if the purposes of the committee are carried out the full amount now carried in this bill will be required?

Mr. WOODRUFF. Undoubtedly it will ultimately.

Mr. BLANTON. Then why the amendment? Why take two bites at the cherry?

Mr. WOODRUFF. I am glad to say that the only member of the committee, so far as I know, who opposes this bill as it was originally written, is the gentleman from Oklahoma. The Naval Affairs Committee always seeks to come before the House with unanimity on any proposition. We always try to bring in legislation that has the unanimous support of the committee, and we do that whenever it is possible. The gentleman will understand why the committee has yielded in this instance.

Mr. BLANTON. If it is necessary to build a hospital it ought to be built right, and I do not see why we should adopt the amendment.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Navy is hereby authorized to replace, remodel, or extend existing structures and to construct additional buildings at the United States Naval Hospital, Washington, D. C., at a cost not to exceed \$3,200,000, of which \$250,000 shall be charged to the naval hospital fund.

Mr. McCLINTIC of Oklahoma. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. McCLINTIC of Oklahoma: On page 1, after the word "to," in line 3, strike out the words "replace, remodel, or extend existing structures and to construct additional buildings," and insert "construct suitable buildings for hospital purposes."

Mr. McCLINTIC of Oklahoma. Mr. Speaker, this amendment simply changes the phraseology so that the amount appropriated can be used to construct suitable buildings for hospital purposes.

Mr. LAGUARDIA. What are you going to do with the existing buildings?

Mr. McCLINTIC of Oklahoma. Such existing buildings as are not necessary to be torn down can be utilized.

Mr. LAGUARDIA. With the gentleman's amendment we could not spend one cent for repairs.

Mr. McCLINTIC of Oklahoma. It is not necessary at this time to repair any of the existing buildings, and if that becomes necessary we will then authorize such repairs as should be made.

Mr. LAGUARDIA. All right, but just a moment; let the House understand what it is doing. The gentleman then would want \$3,200,000 exclusively for new buildings and would pay for repairs out of special appropriations.

Mr. McCLINTIC of Oklahoma. The gentleman is in error, because I have another amendment following which reduces the amount to \$1,250,000.

Mr. LAGUARDIA. Of course, I have no means of knowing what the gentleman has in his pocket.

Mr. STAFFORD. Will the gentleman yield?

Mr. McCLINTIC of Oklahoma. Yes.

Mr. STAFFORD. Has the gentleman or the Committee on Naval Affairs any information as to costs submitted for the construction of this proposed hospital building?

Mr. McCLINTIC of Oklahoma. I want to say to the gentleman that at the present time the Navy has 7,284 beds in naval hospitals. The peak load for 1929, including 2,917 veteran patients, was 5,892. The \$15,000,000 recently appropriated to construct additional hospitals for veteran patients will provide additional facilities for 3,900 patients. Therefore, should the 2,917 veteran patients now being taken care of by the naval hospitals be withdrawn, there would be left 3,300 vacant beds in naval hospitals.



It was my idea that this amount of money would take care of 400 or 500 additional patients and would be sufficient for the present needs of the Navy and it would not be necessary to authorize the construction of any more naval hospitals until after the Veterans' Bureau program had been carried out, to see whether or not we needed additional facilities.

Mr. STAFFORD. If the gentleman will permit, as I read the report the end in view was not only to provide hospital quarters, but the main idea was to have constructed there a replica, if I may use that term, of the Walter Reed Hospital, with laboratories, classrooms, dental apartments, and so forth. Now, the question that rises in my mind at this moment is whether \$1,500,000, or whatever amount the gentleman proposes to place as a limit of cost, is going to be enough to adequately carry out the real purpose of the Navy Department. I was in sympathy with the idea that the Navy Department should have a companion establishment for their medical activities to the Army at Walter Reed—not a hospital alone, but a center for all the medical activities connected with the Navy down here on the Potomac at the present site. I would think the gentleman is circumscribing, and virtually more than circumscribing, the real purpose that the department had in view and that the committee originally had in view in making recommendation for a limit of cost of \$3,200,000.

Mr. VINSON of Georgia. If the gentleman will permit, I will state to the gentleman from Wisconsin that it is the intention of the Navy Department to use this hospital as a medical school in connection with the hospital facilities there, and for that reason the Navy Department submitted plans and specifications that would call for an expenditure of three and a half million dollars, but after the matter was threshed out in committee and after agreements had been reached the committee now comes in and asks that we only appropriate \$1,500,000.

Mr. STAFFORD. What has possessed the great Committee on Naval Affairs, reputed throughout this House and throughout the country as being overgenerous with appropriations, to now in the closing days of the session, all of a sudden, become parsimonious as to this humanitarian work?

Mr. VINSON of Georgia. As the gentleman well knows, this bill is on the Consent Calendar and we must have unanimous consent for its consideration.

Mr. PARKS. Mr. Speaker, I ask for the regular order.

Mr. STAFFORD. This is the regular order. The objection stage has been passed and we are discussing the bill in the regular order.

The SPEAKER pro tempore. The time of the gentleman from Oklahoma has expired.

Mr. STAFFORD. Mr. Speaker, I move to strike out the last word and yield to the gentleman from Oklahoma.

Mr. McCLINTIC of Oklahoma. It is always my desire to give every department of the Government sufficient hospital facilities to take care of its needs. At the present time we have only about 100 hospital patients in the naval hospital at Washington that come from the Navy. The others come from the Veterans' Bureau. It has always been my thought that every bureau ought to hospitalize its own patients, and in view of the fact that \$15,000,000 has been appropriated and hospitals are now either under construction or have been authorized, this simply means, according to the testimony given before the committee, that when these hospitals are available, under the control of the Veterans' Bureau, they will withdraw a certain number of patients that are now being hospitalized in the naval hospitals. So it was my thought that \$1,500,000 provided for at the present time would be sufficient, taking into consideration the fact that we have several splendid buildings adjacent to the hospital that do not have to be touched. They are in excellent condition. They are made out of yellow brick and are suitable for all the purposes for which they have been constructed.

Mr. STAFFORD. Will the gentleman inform the House whether it is within his concept of what should be constructed down there for this \$1,500,000 that there should be included these other incidental facilities, like classroom equipment, and so forth?

Mr. McCLINTIC of Oklahoma. This money, I take it, will be used in the construction of the main building for hospital purposes only. The other buildings are adjuncts which are to be utilized and will continue to be utilized for the purposes for which they were constructed.

Mr. BRITTEN. When the bill was originally presented it provided that there should be constructed a new school building. The present naval classes in that medical center are being conducted in an old building, 50 or 85 years old, and in this \$3,200,000 was included a new building for school facilities. If the gentleman's amendment prevails, the entire amount of one million and a half dollars will go for hospital alone.

Mr. McCLINTIC of Oklahoma. And if we shall need new buildings in the future, the committee will make the necessary authorizations.

The SPEAKER. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Line 7, page 1, strike out the figures "\$3,200,000" and insert "\$1,250,000."

Mr. WOODRUFF. Mr. Speaker, my understanding was to the effect that the figures in the bill would be reduced from \$3,200,000 to \$1,700,000—a reduction of \$1,500,000. So far as I am concerned, I am willing to accept that amendment.

Mr. VINSON of Georgia. My understanding in the committee was that the total amount would be \$1,500,000, of which amount \$250,000 would come from the hospital fund.

Mr. BRITTEN. I will say to the gentleman that my understanding was the same as his. The amount of \$3,200,000 would be reduced to \$1,500,000. However, I am willing to go along with the gentleman.

Mr. McCLINTIC of Oklahoma. I am willing to modify my amendment.

Mr. LAGUARDIA. I do not think the gentleman ought to do that, if you want the bill to pass. You change the whole proposition to the construction of the new building. You offer an amendment cutting it down to \$1,250,000, \$250,000 of which will be charged to the naval hospital fund. Will the Clerk report the amendment again?

The SPEAKER pro tempore. Without objection, the Clerk will again report the amendment.

The Clerk again read the amendment.

Mr. BRITTEN. Mr. Speaker, in view of the situation, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment to the amendment by Mr. BRITTEN: Strike out "\$1,250,000" and insert in lieu thereof "\$1,500,000."

Mr. LAGUARDIA. Two hundred and fifty thousand dollars—does that come from the hospital fund?

Mr. VINSON of Georgia. Under the amendment offered the total appropriation would be \$1,750,000.

Mr. LAGUARDIA. The bill says:

At a cost not to exceed \$3,200,000, of which \$250,000 shall be charged to the naval hospital fund.

The SPEAKER pro tempore. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CRAMTON. Mr. Speaker, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment by Mr. CRAMTON: At the end of line 8 strike out the period and insert a colon and the following proviso: "Provided, That the construction herein authorized shall be subject to the approval of the Public Building Commission under the authority of section 6 of the public buildings act of May 25, 1926, to the same extent as other public-building construction in the District of Columbia, and the plans for such construction shall be submitted to the Fine Arts Commission for advice."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### BUREAU OF LABOR STATISTICS

The next business on the Consent Calendar was the bill (H. R. 995) to create in the Bureau of Labor Statistics of the Department of Labor a division of safety.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, the bill itself is very vague, and it has an interesting cracker at the end, that the Department of Labor shall not conduct any of the inquiries specified in the bill where they are now being conducted by anybody else. If it is necessary to create this division, that division should have authority to conduct the investigations that are germane to its field of activity. That could be amended by dropping out that proviso. But the report of the committee does not carry any report from the department. There is a quotation from some statement or other made by the Secretary of Labor, but there is no sort of report that the House is entitled to have. There is nothing showing that



this has been referred to the Bureau of the Budget. I believe the House is entitled to that information, and I reiterate that in these days when the Executive is confronted with the possibility of calling for new taxes to meet our expenses, we ought not to set up new jobs, create new agencies, that will cost money, without any reference at all to the Bureau of the Budget. In view of that I shall be obliged to object to the bill, but I shall ask that it be passed over without prejudice in order that the gentleman, before it comes up again, may have an opportunity to get a report from the Department of Labor. I reserve my objection for the benefit of the gentleman from Indiana.

Mr. HOGG. Mr. Speaker, there is an extended report from the Department of Labor asking for the enactment of this bill. This report was purposely made short so the Members would not be required to read a long report.

Mr. CRAMTON. I remember when this bill passed before and I felt very dubious about it, and my doubts have been strengthened by the contact I have had in the course of our committee hearings with the work of that department, which exhibited a sort of vagueness as to where they are going and how they are going to get there. I do not believe new jobs ought to be set up now without a very clear showing.

Mr. HOGG. This is not a question of new jobs. It is a question of saving some of the 25,000 lives of American citizens that are being crushed out in industry every year in this country.

Mr. CRAMTON. My contact with the work of the department and the showing they are able to make does not give me any reason whatever to believe that the passage of this bill has anything to do with the saving of any lives whatever. I am going to object to the bill.

Mr. LAGUARDIA. Will the gentleman insert in his remarks a copy of the report which accompanied the bill when it passed in the last session, so that the gentleman from Michigan may refresh his memory?

Mr. CRAMTON. I want an up-to-date report from the Bureau of the Budget, because the President is not confronting a Treasury of three years ago but is confronting a condition of the Treasury to-day, and I would like to have the reaction of the Budget on this bill.

Mr. JENKINS. I also suggest that the gentleman have something in his report to indicate how far the different States now are doing this work indicated in the bill.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

#### CONSTRUCTION OF MICHAUD DIVISION OF FORT HALL IRRIGATION PROJECT, IDAHO

The next business on the Consent Calendar was the bill (H. R. 10880) authorizing the construction of the Michaud division of the Fort Hall Indian irrigation project, Idaho, an appropriation therefor, and the completion of the project, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

#### RELIEF OF CERTAIN INDIANS IN MONTANA AND IDAHO

The next business on the Consent Calendar was the bill (H. R. 11753) to amend an act for the relief of certain tribes of Indians in Montana, Idaho, and Washington.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. I object. If the gentleman from Montana desires, I shall reserve the objection.

Mr. LEAVITT. Mr. Speaker, this bill is presented with the approval of the Commissioner of Indian Affairs and of the Indians who are involved, and it is properly protected in regard to one tribe of Indians that has not yet acted on the matter covered. At the time the work was started by this firm of attorneys in behalf of two of these tribes of Indians back in 1908 there was no jurisdictional bill, such as was passed in 1924. That work was done over a long period of years. When the jurisdictional act was passed in 1924 and the contract with these attorneys was approved, there was a requirement from the department that a limitation of \$25,000 be placed in the contract. These attorneys had already worked since 1908 up until that time, and rather than lose all benefit of the work they had done in the past they accepted that condition, but it

was without any understanding on the part of the Indians. The practice in the past has been a matter of 10 per cent, or, at the discretion of the court, not to exceed 10 per cent. The Indians of the Blackfeet and Gros Ventre Tribes have acted through their tribal councils asking this limitation be removed, and this bill is to allow what the Indians themselves wish and what is approved by the Commissioner of Indian Affairs and the department.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. CRAMTON. Just what will be the amount of attorneys' fees that will be claimed under the amended law?

Mr. LEAVITT. I am not able to say exactly, because the case is not yet through the courts, but we have in late years changed the practice that was in effect for a matter of only two or three years, with a limitation of \$25,000, and we have since that time passed all bills of this kind with a provision that the attorneys' fees shall not exceed 10 per cent of the recovery, at the discretion of the court. This is merely revising these contracts, that were really in effect for several years so far as dealings of these attorneys with these Indians are concerned, in accordance with what we are now doing.

Mr. CRAMTON. The limit, as I understand, is 10 per cent of whatever amount is recovered?

Mr. LEAVITT. Yes.

Mr. CRAMTON. What is the amount of the total claim?

Mr. LEAVITT. It goes into many hundreds of thousands of dollars, and perhaps a million.

Mr. CRAMTON. Well, there is that possibility. I do not know that I will object to this, but I did think that I should challenge the attention of the House, and if the House wants to adopt a policy of no limit, \$200,000, \$300,000, or a million, it is for the House to determine.

Mr. BLANTON. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

#### BRIDGE ACROSS THE WABASH RIVER, IND.

The next business on the Consent Calendar was the bill (S. 1268) authorizing the States of Illinois and Indiana to construct, maintain, and operate a free highway bridge across the Wabash River, at or near Vincennes, Ind.

There being no objection to its consideration, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the States of Illinois and Indiana be, and they are hereby, authorized to construct, maintain, and operate a free highway bridge and approaches thereto across the Wabash River, at a point suitable to the interests of navigation, at or near Vincennes, Ind., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. There is hereby conferred upon the States of Illinois and Indiana all such rights and powers to enter upon lands, and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the States in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such States, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such States.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

With a committee amendment as follows:

Strike out all after the enacting clause and insert:

"That the times for commencing and completing the construction of a bridge across the Wabash River at or near Vincennes, Ind., authorized to be built by the States of Illinois and Indiana, by an act of Congress approved June 20, 1929, are hereby extended one and three years, respectively, from June 20, 1930."

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill, as amended, was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

Amend the title so as to read: "An act to extend the times for commencing and completing the construction of a bridge across the Wabash River at or near Vincennes, Ind."

#### MEMORIAL TO WILLIAM JENNINGS BRYAN

The next business on the Consent Calendar was the resolution (S. J. Res. 127) authorizing the erection on the public



grounds in the city of Washington, D. C., of a memorial to William Jennings Bryan.

The title of the resolution was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. LAGUARDIA. Reserving the right to object, Mr. Speaker, I want to ask my colleague from Michigan [Mr. CRAMTON] does he think we ought to have the approval of the District of Columbia Fine Arts Commission?

Mr. CRAMTON. That is required in section 2. To my mind section 3 is hardly necessary. To my mind section 3 goes further than it ought to. But I will not object. I presume that a desirable site outside the restrictions in section 3 can be assured. Personally I would like to see a suitable site selected.

Mr. LAGUARDIA. This would not interfere with any landscaping plan?

Mr. CRAMTON. No.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

*Resolved, etc.,* That the Director of Public Buildings and Public Parks of the National Capital be, and he is hereby, authorized and directed to grant permission to the William Jennings Bryan Memorial Association for the erection on public grounds of the United States in the city of Washington, D. C., other than those of the Capitol, the Library of Congress, and the White House, of a memorial to William Jennings Bryan, one time Member of the House of Representatives of the United States Congress from the State of Nebraska, Secretary of State of the United States, and three times nominated by his party for President of the United States.

SEC. 2. The design of the memorial shall be approved and the site shall be chosen by the Commission of Fine Arts, and the United States shall be put to no expense in or by the erection of the said memorial.

SEC. 3. The memorial herein provided for shall not be erected or placed in any part of the Mall or Potomac Park nor on any ground within one-half mile of the Capitol.

With a committee amendment as follows:

Page 2, after line 12, insert:

"SEC. 4. The memorial shall be erected under the supervision of the Director of Public Buildings and Public Parks of the National Capital, and all funds necessary to carry out its erection shall be supplied by the donors in time to permit the completion and erection of the memorial not more than three years after the site is reported available for the purpose."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The Senate joint resolution as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

#### OIL AND GAS PROSPECTING PERMITS AND LEASES

The next business on the Consent Calendar was the bill (S. 317) to authorize the Secretary of the Interior to grant certain oil and gas prospecting permits and leases.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I object.

Mr. LEAVITT. Mr. Speaker, will the gentleman reserve his objection?

Mr. BLANTON. I will reserve it if the gentleman wants to make a statement.

Mr. LEAVITT. Mr. Speaker, I do not think the gentleman will object if he understands the purpose of this bill. The latest word we have in regard to it is in a letter from the Secretary of the Interior, which contains this paragraph:

The danger of drainage mentioned in your letter is believed to be such as to make it a matter of concern to this department that early action be taken by Congress, to the end that the royalty interests of the Government may be fully protected, that the equities possessed by the company may be accorded some recognition and the controversy be terminated fairly to both the Government and the company.

Mr. BLANTON. I will state to the gentleman from Montana that a number of us over here intend to object. I withheld my objection in order to allow the gentleman to make a statement.

Mr. STAFFORD. I read this bill carefully and was somewhat skeptical about it, from the fact that the present Secretary of the Interior was not called upon to make a report. I have just read a recent letter from the Secretary of the Interior,

in which he points out the need of some kind of restrictions to protect the interests of the Government. I wish that the letter may be incorporated in the Record.

Mr. BLANTON. There have been actions of so important an official as a former Secretary of the Interior that did not protect the interests of the people. This company already has every right under the law.

Mr. LEAVITT. When the general leasing act of 1920 was enacted into law there was in a section, No. 9, which allowed anybody already having placer rights six months' time during which he might apply for a permit.

Mr. BLANTON. The Secretary of the Interior already has that right under the law.

Mr. LEAVITT. This company could at that time, if it had taken advantage of the law, acquired a much greater area than is now in this bill. It might have procured something like 5,000 acres, as I recall.

But, instead of that they had already been clear listed by the land office on five placer claims and had been called upon to pay their money, \$2,000. But then the Secretary's office ruled that the discovery was not sufficient to obtain patent. Meantime, the six months had gone by. If they had not let the six months go by, they could have covered a much larger area, but since the land office had accepted their money and no bad faith had been shown at all, they thought no question could come up with regard to securing patent to the land.

Mr. BLANTON. They just did not comply with the law. That is all.

Mr. LEAVITT. Oh, yes, they did; or what they believed to be their rights under the law.

Mr. BLANTON. And it requires this new law to help them out.

Mr. LEAVITT. Yes. In the last Congress this House passed, after considerable discussion, a bill covering twice the amount of land covered in this bill.

Mr. BLANTON. I will state that I would prefer to have it remain on the calendar unobjected to, and if the gentleman prefers, I will ask unanimous consent that it remain on the calendar.

Mr. LEAVITT. No. We would just as soon have it objected to as to have it passed over without prejudice.

Mr. BLANTON. I am sorry, but I intend to object.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. LEAVITT. I yield.

Mr. LAGUARDIA. The thing that is troubling me is what is the difference in the relief granted by the bill and that originally denied by the Secretary?

Mr. LEAVITT. To begin with, their application was then for a patent. They had covered these lands by placer mining claims, as was the law at that time. They had made discovery of oil, but, after the local land office had accepted their money, the case came to the department for final decision, and it was decided in Washington that the discovery was not sufficient for patent. Now, all we are giving them is the right to apply for permit to this small amount of 800 acres, to permit them to make further discovery, if possible.

The regular order was demanded.

Mr. BLANTON. I object.

#### COMMEMORATION OF THE LEWIS AND CLARK EXPEDITION

The next business on the Consent Calendar was the bill (H. R. 11853) to authorize the Secretary of the Treasury to prepare and manufacture a medal in commemoration of the one hundred and twenty-fifth anniversary of the expedition of Capt. Meriwether Lewis and Capt. William Clark.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, I believe it is the understanding of the House that bills of this character should be tabled in view of the position of the President.

Mr. FRENCH. I beg to say that my bill originally provided for a coin under a plan similar to the one which was vetoed by the President. It was suggested in the President's message, however, that it might be desirable in certain instances to commemorate by the striking of medals, and it was indicated that to such a course he would have no objection. Accordingly I rewrote the bill, providing for a medal to commemorate the event, and I will say that this procedure has been followed in some other places in earlier years.

The present bill was referred to the Treasury Department, and I am glad to advise that the report of the Secretary of the Treasury is favorable upon inclusion of certain amendments.

Two amendments were suggested by the Secretary, which have been incorporated in the bill.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. FRENCH. I yield.

Mr. LAGUARDIA. This language—

Shall be manufactured from silver alloy containing no greater percentage of silver than is contained in the silver coins of the United States, subject to the provisions of section 52 of the coinage act of 1873—

does not remove the objections enumerated in the President's veto message. How would this medal be differentiated from a coin?

Mr. FRENCH. One of the medals that was handed to me for examination by the Treasury Department was octagonal in shape. The department would work out a medal that would be so distinct from the coin that there could be no confusion. The medal which commemorates the settlement of the Norse people in the State of Minnesota, and which was struck a few years ago, is a medal octagonal in shape, about the size of a 50-cent piece, but so designed that it could not be confused with a coin.

Mr. LAGUARDIA. What is the Lewis and Clark Memorial Association going to do with the medal?

Mr. FRENCH. The association would plan to sell the medals to purchasers, just as other medals have been sold.

Mr. LAGUARDIA. Are they financially able to take care of the cost of making these medals, or must they wait until they dispose of the medals to get the money?

Mr. STAFFORD. That is the difficulty I have. There is no provision which guarantees the Government that it shall be paid for its work after the medals have been stricken.

Mr. FRENCH. Under provision of the general law to which reference is made, the association would have to advance the cost for the metal and also for the work.

Mr. LAGUARDIA. Would the gentleman object to an amendment on page 2, line 12, after the word "payment," to insert "in advance," making it read "payment in advance"?

Mr. FRENCH. I have no objection to that.

Mr. PATTERSON. That was the object of my reservation.

Mr. LAGUARDIA. I think that should be done.

Mr. COLE. That language of the general law provides that.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. FRENCH. I yield.

Mr. COCHRAN of Missouri. Is there any limitation as to what this association can charge for the sale of these medals?

Mr. FRENCH. No; there are no limitations. I take it that the custom permitting a fair profit only to the association would control the matter very effectively.

Mr. COCHRAN of Missouri. Lewis and Clark started from my city. You are giving these medals over to an association at cost to the Government, with absolutely no limitation as to what that association can charge in the disposition of the medals?

Mr. LAGUARDIA. All the traffic will bear, I suppose.

Mr. COCHRAN of Missouri. Absolutely.

Mr. FRENCH. In similar cases there has never been any difficulty, and, as far as I am aware, no limitation has ever been placed.

Mr. CABLE. The committee was unanimous in reporting out the bill, in addition to having the approval of the Treasury Department?

Mr. FRENCH. I so understand.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That in commemoration of the one hundred and twenty-fifth anniversary of the expedition of Capt. Meriwether Lewis and Capt. William Clark and in commemoration of the valuable services rendered this Nation by these two explorers, the Secretary of the Treasury is authorized to prepare and manufacture at the United States mint at Philadelphia a medal from an appropriate design with devices, emblems, and inscriptions significant of this historic achievement. The medals herein authorized shall be manufactured, subject to the provisions of section 52 of the coinage act of 1873, from suitable models to be supplied by the Lewis and Clark Memorial Association (Inc.), of Lewiston, Idaho. The medals so prepared shall be delivered at the Philadelphia Mint to a designated agent of said Lewis and Clark Memorial Association (Inc.) upon payment of the cost thereof.

With the following committee amendments:

Page 2, line 2, after the word "achievement," strike out the word "the" and insert "not to exceed 100,000."

Page 2, line 4, after the word "manufactured," insert the words "from silver alloy containing no greater percentage of silver than is contained in the silver coins of the United States."

The committee amendments were agreed to.

Mr. LAGUARDIA. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from New York [Mr. LAGUARDIA] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. LAGUARDIA: On page 2, line 12, after the word "payment," insert the words "in advance."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

#### PRELIMINARY EXAMINATIONS OF SUNDRY STREAMS

The next business on the Consent Calendar was the bill (H. R. 12190) to authorize preliminary examinations of sundry streams with a view to the control of their floods, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I would like to ask my colleague from Michigan [Mr. CRAMTON], a member of the Appropriations Committee, if this flood-control survey is going to become an annual affair like rivers and harbors?

Mr. CRAMTON. I will refer the gentleman to my colleague on the committee [Mr. BARBOUR], who is chairman of the subcommittee having in charge the Army appropriation bill.

Mr. LAGUARDIA. I see the gentleman from California [Mr. SWING], who reported the bill. What is the policy going to be? Are we going to have annual omnibus flood control bills?

Mr. SWING. I do not anticipate any large number of additional surveys. Most of these surveys are on rivers which are tributary to larger streams, and in order to have before the committee and before the Congress a comprehensive view of not only the main streams but of the more important tributaries, we found it necessary to include the number that are in this bill in order to supplement, primarily, the previous surveys. I think it will be worth while for the committee to have the information which is called for in this omnibus bill.

Mr. BARBOUR. Will the gentleman yield?

Mr. SWING. I yield to my colleague.

Mr. BARBOUR. I would like to ask why this is necessary, in view of the fact that the flood control act authorized surveys of streams throughout the entire United States, and each year the War Department appropriation bill carries appropriations for the making of these surveys, not only on the main streams, but on the tributaries throughout the entire country.

Mr. SWING. The bill under which they are proceeding specified, in the report which accompanied it, specific bills which the committee then had in mind, and the engineering section of the War Department has held that this authorization is necessary if they are to make a survey of these streams.

Mr. CRAMTON. I am curious to know something about what we are getting into. This bill authorizes a preliminary examination of certain streams, and so far as I know anything about these streams—and I think there is nobody in the House who has heard of more than one or two of them, those near home—they are not streams which are regarded as navigable, and I am wondering if we are taking up the policy of providing drainage and flood control for all of the minor streams of the United States simply because eventually each one of those streams finds its way into some greater river.

Mr. SWING. The whole, of course, includes the parts and the main stream is made up of its tributaries which lead into it. There is an important question to decide, and we have not yet decided it in our committee, and we will not decide it until we have this information, and that is the question as to whether the flood problem should be treated at its source in the tributaries or whether we should wait until the tributaries have created an immense force in the main stream and then undertake to treat it after it has developed in the main stream.

Mr. CRAMTON. If the gentleman's committee follows that doctrine to its logical and inevitable conclusion it will mean that the Treasury of the United States will take over the financial responsibility of the entire drainage problem of the United States.

Mr. SWING. I will say to the gentleman that we have not yet made any such decision, but we do feel that we should secure the information called for here.

Mr. CRAMTON. But if the gentleman gets information about enough streams, judiciously distributed throughout the various congressional districts of the United States, there will come in here a pork barrel flood control bill which will raid the Federal Treasury for the drainage of the United States.



Mr. SWING. I think we have that in mind and I agree with the gentleman, and it is not our intention to bring in any such bill.

Mr. CRAMTON. I find I am entirely too modest in my efforts in behalf of my own district. There is up there the Flint River which comes in floods at times. The village council of Vassar sent me a resolution asking that the Federal Government attempt to eliminate the floods. I inquired of the War Department and they said it is not a navigable river and that they have nothing to do with it. Well, I will guarantee it is just as navigable as 9 out of 10 of the streams mentioned in this bill. I thought they were showing a due regard for the Federal Treasury, but I am frank to admit that I am human, and if all the other little creeks of the Nation are to become the wards of the Federal Treasury, I would like the Flint River to go in with the rest of them.

Mr. COCHRAN of Missouri. I am impressed with the situation in Ohio. In 1913 you had a terrible flood in Ohio.

Mr. JENKINS. We had.

Mr. COCHRAN of Missouri. As a result five dams were built on small creeks or tributaries, as you call them, and since the five dams have been constructed they have never had any flood, according to my understanding.

Mr. CRAMTON. But let me point out a distinction to the gentlemen. When they come to the question of studying the floods on an important navigable stream, it is necessary, I suppose, in studying those floods to make some study of the floods coming in from tributaries, but here these gentlemen are not proposing to study the floods on important navigable rivers. They are proposing to study the floods on a lot of more or less insignificant creeks throughout the country, independent of any flood problem on important rivers.

Mr. LAGUARDIA. And will the gentleman also add that the tendency is becoming epidemic?

Mr. CRAMTON. It is a chronic disease, not an epidemic.

Mr. SWING. Let me say in reply to that statement, we are going to be governed very largely by the report of the War Department. This is but a preliminary investigation and not a formal survey.

Mr. CRAMTON. We have a very important experiment under way in the control of floods in the valley of the Colorado, the Imperial Valley, and so forth. We have this experiment under way, and I wonder if it would not suit my friend from California if we proceed with that experiment and let these wait for the time being?

Mr. SWING. Oh, no. I never have yet voted to refuse the House or the committee information. The engineers of the War Department thought these rivers important enough to make a favorable report on each and every one of these rivers that are in here. Now, when they make their preliminary examination, if they say it is not worth while to consider the matter further, I can assure the gentleman we will very likely be willing to let the matter drop.

Mr. LAGUARDIA. The only thing I see in the report is that the probable cost of each survey will be \$1,500.

Mr. SWING. I think they will cost much less than that.

Mr. LAGUARDIA. It is not so much the matter of the cost of the survey as the eventual cost of the work itself.

Mr. SWING. Well, let us have the survey and get the information, then we can act in accordance with that information.

Mr. JENKINS. If the gentleman will permit, I am interested in one of these rivers, and I may say for the information of the gentleman from Michigan that we are not asking for any great amount of money.

Mr. CRAMTON. I do not mind this expense; it is what you are inevitably leading us up to.

Mr. JENKINS. With reference to this particular transaction, I am sure it will not lead to a great deal of money, and the necessity arises from the fact of the construction of a Government dam in the Ohio River. The backwater from the construction of this dam has found its way into the mouth of this river, on which there was formerly some navigation, but now the mouth of the river is closed up to such an extent that they can not navigate.

Mr. CRAMTON. Who built the dam?

Mr. JENKINS. The United States Government; and the expense involved will not be very much. Twenty-five years ago the Government spent about \$5,000, and they have not spent anything since then.

Mr. LAGUARDIA. I wonder how many of these reports come back with the statement that no further work is necessary.

Mr. STAFFORD. Did I understand the gentleman from Ohio to say that this is a creek?

Mr. JENKINS. No; I did not say it is a creek.

Mr. STAFFORD. But it is not navigable.

Mr. JENKINS. It is not navigable because the mouth of the river is closed up on account of this construction work.

Mr. CRAMTON. Can the gentleman point us to any statement from the department suggesting that there is any reason for undertaking these surveys? The report of the Chief of Engineers only enumerates the rivers and tells what the cost will be.

Mr. SWING. In the hearings there was inserted—

Mr. CRAMTON. I will say to the gentleman I do not have time to read all the hearings. I do pretty well to look at the reports of the committee.

Mr. SWING. I am sorry that the report does not contain the report of the War Department on each and every one of these rivers. In the hearings the reports of the War Department on each river were included.

Mr. CRAMTON. Can the gentleman read, as to any one of the rivers, a statement from the War Department that we ought to undertake this survey?

Mr. SWING. Oh, no; they do not say we ought to, but they made the usual favorable report on the bill.

Mr. CRAMTON. Well, I do not know; I did not see that, I will say to the gentleman.

The SPEAKER pro tempore. Is there objection?

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice until we may get a report from the Bureau of the Budget.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

#### COPYRIGHT REGISTRATION OF DESIGNS

Mr. VESTAL. Mr. Speaker, I ask unanimous consent to consider at this time the bill (H. R. 11852) amending the statutes of the United States to provide for the copyright registration of designs. The bill was on the Consent Calendar yesterday.

Mr. STAFFORD. Mr. Speaker, I ask that the gentleman defer his request until later in the afternoon, so as not to interfere with the regular order in the consideration of the bills.

Mr. VESTAL. I was ill in bed yesterday and was unable to be here when the bill came up. I would like to have an opportunity to make a short statement to the House relative to the bill.

Mr. STAFFORD. In view of the gentleman's illness I will not interpose any objection to the gentleman making a statement, but I will ultimately have to object to the bill.

Mr. VESTAL. Mr. Speaker and gentlemen of the House, this bill (H. R. 11852) amending the statutes of the United States to provide for copyright registration of designs, is a bill that the committee has considered very carefully for the last five or six years.

An emergency exists now for the passage of this bill, and I want to give the House the reasons the bill ought to be passed at this session.

First let me say there are no persons objecting to the bill; that is, no person interested in the bill is objecting to it.

The only objection that was made at all was by the retailers. The retailers and manufacturers got together and agreed to an amendment which absolutely protects the retailer in the sale of goods that they purchase.

Now, the need of this bill being passed at this session is the fact that there are unscrupulous people in the country who are stealing designs all the time. Every manufacturer of textile silk—take Cheney Bros., who spend \$150,000 a year for designs—some unscrupulous people are taking those designs, putting them on cheap goods, and deceiving the public all over the country.

Mr. O'CONNOR of New York. Does this bill include garments, clothing?

Mr. VESTAL. No.

Mr. O'CONNOR of New York. Is there any particular reason why they should be left out?

Mr. VESTAL. It takes in every textile where designs are used.

Mr. O'CONNOR of New York. And it would cover completed garments?

Mr. STAFFORD. It is broad enough to include completed garments.

Mr. VESTAL. It protects the design. A suit was instituted by Cheney Bros. against the Doris Silk Manufacturing Co. The Cheney Bros. thought that they could protect these things without legislation. But Judge Hahn, one of the most able judges in the United States, handed down a decision saying that there was great damage being done with absolutely no way of protecting them and they would have to have congress-



sional action before they could be protected. Since that suit has been decided—let me read what happened:

It is daily becoming more imperative that quick action be taken in Congress. I am told that Haas Bros. report that they got out a line of new designs for late spring showing two weeks ago, and that every design in the line was copied within 10 days. C. K. Eagles report that out of all their successful designs issued by them this season all but one were immediately copied. Cheney Bros. have had additional designs copied since those reported. James Goldsmith reported 10 days ago that his most elaborate and most expensive design had been copied on the cheapest and poorest stuff sold. Other houses are likewise reporting serious conditions. There is "wailing and gnashing of teeth."

If this goes into another season the situation will be truly alarming. The unscrupulous have taken the Doris case to be complete license to proceed as they please.

It seems to me that when manufacturers of this country and the retailers of this country agree that something ought to be done, that its designs are being pirated right and left, there ought not to be any objection, so far as this House is concerned, to the passage of a bill which they all agree to, and which they agree will protect the designers of the country and protect the manufacturers and retailers as well.

It seems to me that under these circumstances there ought not to be any objection to this bill being passed.

Now, I have an amendment that meets the objections of the retailers, and I would like to read it. It is as follows:

Page 8, line 12, strike out all the language in lines 12 to 19, inclusive, including the word "righted," and insert in lieu thereof the following:

"Provided, however, That if such sale or public distribution or exposure for sale or public distribution is by anyone other than the manufacturer or importer of the copy or colorable imitation, it shall be unlawful only as to goods purchased after written notice of a restraining order or preliminary injunction, or of an order granting a preliminary injunction, or of a decree by any court having jurisdiction in the premises, in any action brought under this act by the copyright owner for infringement of such copyright, or of any order or decision in such an action in which the court, although refusing injunctive relief, states that in its opinion, based on the affidavits or testimony submitted, such copyright is for an original design and otherwise valid, and in the absence of such notice the remedies and penalties provided for in section 10 of this act shall not apply; the words 'manufacturer' and 'importer' as used in this section shall be construed as including anyone who induces or acts in collusion with a manufacturer to make, or an importer to import, a colorable imitation or an unauthorized copy of a copyrighted design, but purchasing or giving an order for purchase in the ordinary course of business shall not in itself be construed as constituting such inducement or collusion."

Mr. LAGUARDIA. And that is no greater protection than they have for mechanical devices.

Mr. VESTAL. Absolutely; it is not as strong as it ought to be, but it is a step in the right direction. We are trying to legislate for the interest of business, and this is a great step in that direction, and I hope the gentleman from Wisconsin will not object.

Mr. PATTERSON. Will the gentleman yield?

Mr. VESTAL. I yield.

Mr. PATTERSON. I just want to say, as the chairman of the committee has stated, that the committee has held hearing after hearing, and this amendment worked out by our good chairman and several other colleagues, after long study of the matter year after year, makes a good bill in its present shape. The last time that it was presented the committee considered it, and there was no objection to it.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, on yesterday when this bill was under consideration I asked to have the bill passed over without prejudice. That was objected to by the gentleman from Missouri [Mr. DYER]. My purpose was in having it passed over without prejudice that I might have time to consider certain matters received in the mail covering certain objectionable features of the bill. I have not had time to examine that material as yet. I should be glad to examine it between now and the next consent day. I have no objection to having the proceedings vacated whereby the bill was stricken from the Consent Calendar yesterday, and having it reinstated for future consideration.

Mr. VESTAL. As to the objectionable features to which the gentleman refers, were they not received from a retailer?

Mr. STAFFORD. I stated that I received some information that I had not as yet been able to consider, trying to meet objections that I had raised to a constituent of mine. I have studied the bill carefully. I have some fundamental objections. The amendment suggested to-day which was not given oppor-

tunity for expression yesterday may enable me to give consent on Monday, but for the present I object.

Mr. VESTAL. Is there any objection to the bill going back on the calendar? It was stricken from the calendar yesterday.

Mr. STAFFORD. I have no objection to a motion to vacate the proceedings whereby it was stricken from the calendar yesterday and to its retaining its place on the calendar without prejudice.

The SPEAKER pro tempore. Without objection, the proceedings whereby the bill was stricken from the calendar yesterday will be vacated and the bill will take its place on the calendar without prejudice.

There was no objection.

TO FACILITATE WORK OF THE DEPARTMENT OF AGRICULTURE IN ALASKA

The next business on the Consent Calendar was the bill (H. R. 252) to facilitate work of the Department of Agriculture in the Territory of Alaska.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of Agriculture be, and he is hereby, authorized to furnish subsistence to employees of the United States Department of Agriculture in the Territory of Alaska, and to purchase personal equipment and supplies for them, and to make deductions to meet the cost thereof from any money appropriated for salary payments or otherwise due such employees.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

SANTIAM NATIONAL FOREST, OREG.

The next business on the Consent Calendar was the bill (H. R. 5404) authorizing the exchange of land adjacent to the Santiam National Forest in the State of Oregon.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MCCLINTIC of Oklahoma. Mr. Speaker, I reserve the right to object. I find on making investigations of this subject that it relates in part to what is known as the California & Oregon land-grant tracts of land where the title was reverted to the National Government. On three different occasions in the past I have called attention to the fact that there are 18 counties in the State of Oregon which benefit from legislation that through a misapprehension was not understood by many Members of Congress when enacted into law. This legislation allows these counties to assess for taxation the public lands now belonging to the Government at a rate up to \$100 per acre when, if homesteaded, the amount the Government would receive would be \$1.25 per acre. The first time I called attention to the subject the amount that these counties had received was something like \$7,000,000. The next time it was \$8,000,000, and the next time \$8,500,000. I have here in my hand a statement under date of June 6, which shows that these counties have received a sum of approximately \$9,000,000. What I have to say here is not personal, but if this condition is allowed to go on for a period of another 10 years, it will amount to a national scandal. This body ought to look into this situation to the extent of finding out whether or not such legislation should remain on the statute books that allows public lands subject to homestead entry to be assessed for this purpose.

I call attention to the fact that one of those counties has received up to the present time \$2,141,000, another county has received \$1,610,000, and another \$1,557,000. The other counties have received amounts somewhat similar. This bill refers to these particular tracts of land. There are 39,300 acres of such lands in the reserve known as public lands which were formerly the California & Oregon land grants. Twenty-two thousand acres of this land are now covered with timber. If a statement made by the Commissioner of the Land Office is correct, these timbered tracts will be turned over to private individuals, and they will be allowed to cruise the timber and sell it. For the reason that the funds will be paid to these counties and there is a deficit of more than \$6,000,000 at the present time, I do not believe that any legislation relating to this subject should be enacted into law until this very bad piece of legislation, as I view it, is amended or repealed.

Further, this legislation has been referred to in very complimentary terms by some of the high officials who are at present in charge of the Government. I have been furnished



with information from time to time which shows that this legislation ought never to have been enacted and that these counties should not be allowed further to continue receiving funds to which they are not entitled. So, Mr. Speaker, until this condition has been changed in a way that will be fair to the rest of the States, I shall have to object.

Mr. HAWLEY. Mr. Speaker, will the gentleman withhold his objection?

Mr. McCLINTIC of Oklahoma. Yes.

Mr. HAWLEY. Is the gentleman objecting to the bill H. R. 5404?

Mr. McCLINTIC of Oklahoma. Yes. I ask unanimous consent that this information be placed in the RECORD at this point. It is official, coming from the Interior Department.

The SPEAKER pro tempore. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD by inserting therein certain material which he designates. Is there objection?

There was no objection.

The matter referred to is as follows:

DEPARTMENT OF THE INTERIOR,  
GENERAL LAND OFFICE,  
Washington, June 6, 1930.

Hon. J. V. McCLINTIC,  
House of Representatives.

MY DEAR MR. McCLINTIC: In compliance with your request of May 22 for information concerning payments to certain Oregon and Washington counties in lieu of accrued taxes, I am inclosing copy of a statement showing payments to the close of the fiscal year ended June 30, 1929, aggregating \$9,136,117.12. Payments during the current fiscal year to March 31 amounted to \$576,831.70, and this office has to date certified other claims aggregating \$200,359.16, making a grand total of \$9,913,307.98, as follows:

	Taxes to June 30, 1929, per table	Paid to Mar. 31, 1930	Additional claims approved	Grand total
Oregon:				
Benton.....	\$365,616.64	\$18,448.29	\$15,500.68	\$399,655.61
Clackamas.....	485,855.86	23,667.53	153,053.00	662,576.39
Columbia.....	187,705.43	15,012.92		202,718.35
Coos.....	743,935.86	44,311.39		788,247.25
Curry.....	37,929.57	2,943.59	2,888.77	43,761.93
Douglas.....	2,141,182.23	151,476.96		2,292,659.19
Jackson.....	1,610,355.62	92,994.96	1,268.94	1,704,619.52
Josephine.....	752,840.77	48,138.86		800,979.63
Klamath.....	167,554.47	7,918.01		175,472.48
Lane.....	1,557,719.22	116,752.71		1,674,471.93
Lincoln.....	49,078.41	5,187.15		54,265.56
Linn.....	291,397.89	24,455.73		315,853.62
Marion.....	169,479.46	11,333.07		180,812.53
Multnomah.....	55,997.21			55,997.21
Polk.....	284,924.32		27,557.77	312,482.09
Tillamook.....	60,394.97	3,973.45		64,368.42
Washington.....	89,222.71	4,434.51		93,657.22
Yamhill.....	80,029.78	5,752.57		85,782.35
Washington: Clarke.....	4,896.70			4,896.70
Total.....	9,136,117.12	576,831.70	200,359.16	9,913,307.98

The act of June 9, 1916 (39 Stat. 218), by which these lands of the grant to the Oregon & California Railroad were reverted to the United States, provided in section 9 for the payment of taxes for the years 1913, 1914, and 1915; section 1 of the act of July 13, 1926 (44 Stat. 915), provided for payment of taxes from 1916 to 1926, inclusive, and made an appropriation therefor; and section 3 of the latter act provided for payment of taxes for subsequent years, but the Comptroller General held that section 3 did not make an appropriation and that therefore the taxes therein authorized must be paid directly from the Oregon and California land grant fund; that is, from the proceeds of the land and timber from the reverted lands.

The total receipts from this source to June 30, 1929 (mainly from sales of timber), are shown by fiscal years, as follows:

1918.....	\$320,033.22
1919.....	165,963.90
1920.....	245,737.73
1921.....	363,802.04
1922.....	252,426.74
1923.....	642,922.00
1924.....	1,003,064.99
1925.....	664,833.14
1926.....	583,756.26
1927.....	612,219.78
1928.....	491,346.24
1929.....	752,328.47
Total.....	6,098,434.51

The Treasury figures are \$10,746.26 less than this, resulting from that sum received through the clerk of the court having been covered to the wrong fund. Transfer is being arranged.

The compilation of a distribution of these receipts by counties is not completed, but as soon as the tabulation is finished, I shall be glad to

furnish you a statement showing such distribution. This statement will show timber sales and sales of land separately.

As the foregoing statement includes taxes paid under the act of June 9, 1916, as well as amounts paid in lieu of taxes under sections 1 and 3 of the act of July 13, 1926, it will differ from recent correspondence in the matter which considered only the amounts paid under the act of 1926.

I may add that of the \$1,571,044.05 paid under the former act, the Government recovered from the railroad company a little over a quarter of a million. In the opinion of the United States District Court for Oregon, September 15, 1925 (8 F. (2d) 645), the amount is stated at \$257,715.32.

Very respectfully,

THOS. C. HAVELL,  
Acting Commissioner.

Statement of amounts paid to June 30, 1929, to certain counties in Oregon and Washington in lieu of accrued taxes on reverted lands of the Oregon & California Railroad grant

County	I Taxes 1913, 1914, and 1915, sec. 9, act of June 9, 1916	II Taxes 1916 to 1926, inclusive, sec. 1, act of July 13, 1926	III Taxes subsequent to 1926, payable direct from fund	Total taxes, under two appropriations and direct from Oregon & California fund
Oregon:				
Benton.....	\$73,151.84	\$274,925.64	\$17,539.16	\$365,616.64
Clackamas.....	108,843.67	351,409.17	25,603.02	485,855.86
Columbia.....	42,963.18	144,742.25		187,705.43
Coos.....	150,153.61	549,350.64	44,431.61	743,935.86
Curry.....	6,559.99	28,762.70	2,606.88	37,929.57
Douglas.....	315,399.87	1,664,479.04	161,303.32	2,141,182.23
Jackson.....	242,556.67	1,269,252.48	98,546.47	1,610,355.62
Josephine.....	127,327.75	582,281.64	43,231.38	752,840.77
Klamath.....	38,781.92	121,067.27	7,705.28	167,554.47
Lane.....	277,855.56	1,177,146.34	102,717.32	1,557,719.22
Lincoln.....	7,940.48	36,493.41	4,644.52	49,078.41
Linn.....	43,875.21	224,321.25	23,201.43	291,397.89
Marion.....	28,744.19	100,337.97	10,397.30	169,479.46
Multnomah.....	10,643.48	45,353.73		55,997.21
Polk.....	52,184.61	213,873.17	18,866.54	284,924.32
Tillamook.....	11,051.29	44,470.85	4,872.83	60,394.97
Washington.....	15,859.30	68,799.04	4,564.37	89,222.71
Yamhill.....	16,019.30	58,078.57	5,931.91	80,029.78
Washington: Clarke.....	1,132.13	3,764.57		4,896.70
Total.....	1,571,044.05	6,988,909.73	576,163.34	9,136,117.12

Mr. McCLINTIC of Oklahoma. It will be noted from the letter that this does not include all of the amounts to be distributed to the various counties, neither does it include several million dollars paid to the railroad company when their judgment against the Government was settled, and they were paid at a rate of \$2.50 for each acre.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. McCLINTIC of Oklahoma. I object.

ALLOWING STATES TO QUARANTINE AGAINST SHIPMENTS OF  
LIVESTOCK

The next business on the Consent Calendar was House Joint Resolution 326, for the amendment of the acts of February 2, 1903, and March 3, 1905, as amended, to allow the States to quarantine against the shipment thereto or therein of livestock, including poultry, from a State or Territory or portion thereof where a livestock or poultry disease is found to exist, which is not covered by regulatory action of the Department of Agriculture, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. LAGUARDIA. I object.

Mr. ANDRESEN. Mr. Speaker, will the gentleman withhold his objection for a moment?

Mr. LAGUARDIA. Yes.

Mr. ANDRESEN. The purpose of this bill is to aid agriculture.

Mr. LAGUARDIA. It will not aid consumers.

Mr. ANDRESEN. It is to stop the shipment of diseased animals into any State of the Union, and it is to give the State the right to prevent such shipments. The States have been doing this for the last 50 years, but the Supreme Court in Oregon threw the whole thing aside, and the States now have no authority to go ahead and stop diseased animals coming into the States. If the gentleman wants to help pass constructive legislation he will not object.

Mr. JENKINS. Mr. Speaker, if the gentleman will yield I should like to ask him a question which may not be apropos of the matter considered in the bill, for I have not read it carefully. What I want to know is, whether this bill seeks to regulate the transfer of livestock from one State to another. My district runs along the Ohio River for about 150 miles and many of our people seeking to move their livestock across the



bridges are compelled to go to the trouble and great expense of procuring certificates from veterinarians, and I think that regulation is entirely too rigid, for I have known of cases where a poor man would have to go to this great expense when he would be taking his few household goods across the river and leading a cow behind. Sometimes the expense would be more than the cow was worth. If this bill does not cure this, something should be done to cure this trouble.

Mr. ANDRESEN. If a farmer in another State ships a diseased animal into the gentleman's State, this bill would give the gentleman's State the authority to stop that shipment.

The bill has been unanimously reported by the Committee on Agriculture, has the indorsement of the Department of Agriculture, and is requested by 37 different States.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. I object.

The SPEAKER pro tempore. Objection is heard.

#### FIRE TRESPASS ON NATIONAL FORESTS

The next business on the Consent Calendar was the bill (H. R. 9630) to make the regulations of the Secretary of Agriculture relating to fire trespass on the national forests applicable to lands the titles of which revested in the United States by the act approved June 9, 1916 (39 Stat. 218), and to certain other lands known as the Coos Bay wagon road lands.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Reserving the right to object, Mr. Speaker, when the bill was up before the Commissioner of the General Land Office stated there was no occasion for its passage. In his letter, under date of March 4, 1930, he says:

This department has a trusteeship to perform, namely, to sell the timber in a normal market; dispose of the land with as little delay as possible to private individuals; pay all obligations chargeable to the Oregon & California land grant fund, including the present deficiency of nearly \$6,000,000, and thereafter distribute any remaining surplus to the State, counties, reclamation fund, and to the general fund in the United States Treasury in the manner provided by the revestment acts. In the discharge of that trusteeship it should not be hampered by regulations now in force or hereafter to be promulgated by another department which has no responsibility with reference to the discharge of the trust. Furthermore, the practice heretofore followed has been found satisfactory to the homesteader, the timber buyer, and to the Government, and there is, therefore, no necessity for the attempted change.

Consideration of the bill was objected to.

#### TERMS OF COURT AT BLOOMINGTON, ILL.

The next business on the Consent Calendar was the bill (H. R. 11971) to amend section 79 of the Judicial Code (U. S. C., title 28, sec. 152) by providing two terms of court annually at Bloomington, in the southern division of the southern district of Illinois.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Reserving the right to object, this bill is with reference to establishing a new place to hold court in Illinois in the district represented by my friend Mr. HALL, for whom I have great regard. It is similar to another bill that was discussed yesterday.

I find in handling appropriations for public buildings that however little court is held in a town, if court is held there we have to provide for quarters, and it runs into a large amount of money. This bill contains a proviso that suitable rooms and accommodations for holding the said court at Bloomington are furnished free of expense to the United States until the United States shall make provision therefor in its own property. That would mean, perhaps, that about next winter a couple of hundred thousand dollars would be asked for. There is no statement in the committee report as to any recommendation of the department. It is urged that the judge lives there and it will be a convenience to him and to the litigants.

I am wondering if it will be agreeable to the gentleman from Illinois [Mr. HALL] to have the proviso read, following the words "each year," on page 2, line 1, as follows:

So long as suitable rooms and accommodations for holding the said court at Bloomington are furnished free of expense to the United States.

Mr. LAGUARDIA. "As long as" instead of "so long as."

Mr. CRAMTON. "As long as" will be acceptable.

Mr. HALL of Illinois. That would not be entirely agreeable, of course, because we would thereby establish the court there contingent upon the county doing something else.

Mr. CRAMTON. That would be my purpose.

Mr. HALL of Illinois. Well, that is not a very good way to establish a Federal court.

Mr. CRAMTON. The trouble is, in my judgment, we are spending entirely too much money to hold court on every four corners. With improved, paved roads, and automobiles, 50 or 60 miles to go to a Federal court is nothing. In the old days there might have been some excuse for it, but now there is not. We should not multiply these places for holding court. If a community wants a court bad enough to furnish a place, and the judge wants to go there, I do not object; but if it is going to involve a large charge on the Treasury, even in a district represented by my very good friend [Mr. HALL], I find it difficult to withhold objection.

Mr. HALL of Illinois. However difficult it is, I hope the gentleman will withhold it.

Mr. CRAMTON. I will not object with that amendment; otherwise I shall have to.

Mr. HALL of Illinois. There are three districts in Illinois. The northern district, which includes Chicago, has three judges. The eastern district has two judges and our district only has one. We are not asking for any more.

We are economical in running the Government's business in the State of Illinois, in the southern district, but we would like to have this court established there where the judge's chambers are, where he lives, where he does all of his business except the jury trials, and where he will be situated almost exactly halfway between Chicago and St. Louis, on a direct line, from which cities come many of the attorneys and litigants.

Mr. CRAMTON. I do not know that I blame the judge for not wanting to go to either place, but I would be glad to see how much court business they could scare up to be taken care of in Bloomington if they had this law. With my amendment they will have the chance to make the experiment and leave the rest to future Congresses.

Mr. LAGUARDIA. I will say to the gentleman from Illinois that the amendment suggested by the gentleman from Michigan will not hurt his bill at all.

Mr. CRAMTON. I shall be obliged to object unless the gentleman accepts my amendment.

Mr. HALL of Illinois. I will not accept it—

Mr. CRAMTON. Then I must object.

Mr. HALL of Illinois. Will the gentleman wait? Under duress I will accept it.

Mr. CRAMTON. Well, it is accepted. That is the important thing.

The regular order was demanded.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That section 79 of the Judicial Code (U. S. C., title 28, sec. 152) be, and is hereby, amended by adding to the provisions for terms of court in the southern district of Illinois the following:

"Two terms of court, in the discretion of the presiding judge, shall be held at Bloomington, in said southern division, on the second Monday of May and the first Monday of December each year: *Provided*, That suitable rooms and accommodations for holding the said court at Bloomington are furnished free of expense to the United States until the United States shall make provision therefor in its own property."

Mr. CRAMTON. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 2, line 1, after the word "year," strike out the colon and the words "*Provided*, That" and insert the words "as long as."

Page 2, line 3, after the words "United States," strike out the remainder of the paragraph; so that, as amended, the lines will read: "December each year as long as suitable rooms and accommodations for holding the said court at Bloomington are furnished free of expense to the United States."

Mr. STAFFORD. Mr. Speaker, I rise in opposition to the amendment.

I was not following closely the colloquy between the gentleman from Michigan and the author of the bill, but I would like to inquire of the gentleman from Michigan whether it is the purpose that the holding of the court at Bloomington shall cease



when the National Government shall have erected a public building, with accommodations of chambers, and a court room for the holding of this court?

Mr. CRAMTON. There will be no authority for the holding of court after quarters cease to be provided. If a subsequent Congress wants to authorize a court there, regardless, and provide \$100,000 or \$200,000 for quarters, that will be up to that Congress.

Mr. STAFFORD. Assuming this legislative condition, that the Congress authorize a public building at Bloomington or quarters for a court room and chambers, then, additional authorization for the holding of court at Bloomington would have to be provided.

Mr. CRAMTON. The department would not submit an estimate for that under the law now suggested, and that is the purpose of it—to save the Government that money.

Mr. STAFFORD. I am having difficulty with this situation, that if the Government goes ahead without the needed authority on the part of Congress, Congress having already vested that authority in the Treasury Department to construct public buildings when a certain status as to postal receipts is attained.

Mr. CRAMTON. Oh, no. I will say that an item in an appropriation bill to provide for court rooms at Bloomington, under the law as suggested in my amendment, would be subject to a point of order. If no court was authorized to be held in Bloomington, then it would not be in order to make appropriation to provide a courthouse.

Mr. STAFFORD. The law was passed while I was not a Member of Congress, but I understand the Secretary of the Treasury, under the omnibus authorization, now has the privilege to erect public buildings without specific designation of the place. Am I in error in that statement?

Mr. CRAMTON. To erect public buildings at places where they are needed to take care of authorized Government activities.

Mr. STAFFORD. If the Secretary, under that omnibus provision, believes that a post-office building is needed at Bloomington, and there is also authority of law that court should be held there and provides for an adequate court room, then, under this amendment the sittings of the court would absolutely have to cease because it would be an expense to the Government of the United States. I think it is a ridiculous provision if it has that conclusion. I do not say that it has.

Mr. CRAMTON. If the gentleman had been sitting in the hearings on the deficiency appropriation bill and had found the tremendous expense on the Federal Treasury to provide court buildings where they are not needed for any purpose except to satisfy local whims and a convenience of judges, then I think he would be as keen as I am to protest against the designation of further places.

Mr. STAFFORD. Yesterday I took issue with the gentleman's position as to the establishment of a court at Easton, Pa. I knew the situation and I thought it would be better for the convenience of the litigants to have the advantage of having the trial of their cases near by than to be obliged to go down to Philadelphia, 70 miles away. I am not acquainted with the local situation covered by this bill.

The SPEAKER pro tempore. The time of the gentleman from Wisconsin has expired.

Mr. CRAMTON. Mr. Speaker, I rise in support of the amendment. I will say to the gentleman from Wisconsin that I gave, as always, careful weight to his suggestions yesterday and the suggestions of other gentlemen. I discussed that bill with the gentleman from Pennsylvania [Mr. COYLE], and we had practically agreed upon this kind of an amendment to the Pennsylvania bill. Now comes up this other item to-day. In handling these matters I am not actuated by personalities and I am not able to play favorites. If I am following a certain policy, it should be applied alike. I am only offering to this bill the kind of an amendment that was satisfactory to the gentleman from Pennsylvania [Mr. COYLE], and I am surprised on this occasion to find that I have not pleased my friend from Wisconsin.

Mr. STAFFORD. I can see where there will be a hiatus, and that no court will be held at Bloomington if the Government should erect a building there.

Mr. CRAMTON. There will be no public building there until Congress authorizes it.

Mr. STAFFORD. That hiatus will exist because of the amendment offered by the gentleman from Michigan, and if I did not have such a high regard for the gentleman from Michigan I would term it asinine.

Mr. CRAMTON. The gentleman knows that consent has been given for the consideration of this bill with the understanding that such an amendment was to be offered, and I think it very

strange that the gentleman should wait to make his criticism until I had given consent for the consideration of the bill and had offered the amendment.

Mr. STAFFORD. If the gentleman will permit, I was called out of the Chamber for about a minute, and when the amendment was first suggested I thought it only applied to line 1. I did not think the gentleman's amendment had the further purpose of striking out the court in the event the Government erected a building, and I am only pointing out the incongruity which the gentleman brings about by his amendment.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired. The question is on the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### DONATION OF SITES FOR PUBLIC BUILDINGS

The next business on the Consent Calendar was the bill (H. R. 12343) to authorize the Secretary of the Treasury to accept donations of sites for public buildings.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, this is the same bill that was called up one day and I objected. The reason urged at the time was that there was an offer of a gift of land somewhere in the State of Pennsylvania, such offer being contained in a will, and that if the gift were not accepted by the United States prior to July 1, the gift would be vitiated. I have no objection to amending this bill so as to permit the acceptance of that gift, but I do object to enacting a general statute permitting the Secretary of the Treasury to accept gifts of land for post-office sites, public buildings, "and so forth." The "and so forth" I read from the bill. It is not my language. It would establish a very dangerous condition. There will be races by small communities, large communities, and real-estate speculators to offer sites to the Government in order to get public buildings. If the gentleman from Indiana is ready with an amendment to accept the pending offer in Pennsylvania I shall not object to the bill, but I shall object to the broad general provisions of the bill.

Mr. BYRNS. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BYRNS. The gentleman, of course, is aware of the fact that the Government can now accept the donation of a site after Congress had made an appropriation. I submit that, if what the gentleman says is true with reference to what may happen under the law, then the present law ought to be repealed, but this bill does not affect the present situation in that respect in the slightest.

Mr. LAGUARDIA. I think the present law should be repealed and I certainly would not want to make it any broader.

Mr. BYRNS. I will say it does not increase the difficulty in the slightest. The gentleman knows, I take it, that the Treasury Department has stated that the present authorization will be sufficient, in its opinion, to erect a post office in every town in the country which has receipts of more than \$20,000. Is not that true?

Mr. ELLIOTT. That is, where needed.

Mr. BYRNS. That is, where a building is needed. Now, that being true, certainly no favoritism can be shown, for wherever a post office is needed in a town of over \$20,000 receipts there is going to be a building under the present authorization, and this simply enables the Government, if it deems it wise, to accept a site without cost, and it seems to me that where there is an opportunity to save possibly hundreds of thousands of dollars by having land donated, without any strings in the slightest tied to it, that no gentleman ought to object.

The gentleman lives in the great city of New York. The gentleman does not have the appeal and the urge upon him that those of us who represent districts throughout the country have, and, of course, we are all anxious to see this fund carried just as far as it can so that as many can get a building as possible, and I do hope the gentleman will not object to this bill which will enable possibly 5 or 6 or 7 or 8 additional buildings to be put up.

Mr. LAGUARDIA. Why can not the gentleman come in with each separate offer, or why can not the offer be made after the appropriation is authorized?

Mr. BYRNS. That is entirely impracticable, I will say to the gentleman, because they are going to make the allocation between now and December if they carry out their present plans.



Mr. STAFFORD. If the gentleman will permit, the gentleman from New York on a moment's reflection will see that that plan is not workable, because many of these allocations will take place while the Congress is in recess.

Mr. LAGUARDIA. Does the gentleman think it is fair to start this race among various communities in offering land free to the Government?

Mr. BYRNS. There is absolutely no race between communities. I will say to the gentleman.

Mr. LAGUARDIA. There will be if we establish this policy.

Mr. BYRNS. Suppose a town does feel anxious enough to get a building and undertakes to donate a \$20,000 site, or perhaps a \$30,000 site, and the Treasury Department feels that that location is the site that ought to be selected, does the gentleman think that the Treasury Department ought not to be in a position to accept such a donation of a \$20,000 site or a \$30,000 site?

Mr. LAGUARDIA. Let me ask the gentleman this question: Suppose another community of equal population has not the facilities or the means to offer such a site, it will then be penalized because some other community is offering a free site.

Mr. ELLIOTT. How will it be penalized?

Mr. BYRNS. Who can penalize it?

Mr. LAGUARDIA. It will be penalized because the other community will get the building.

Mr. ELLIOTT. Not necessarily.

Mr. BYRNS. I want to repeat my statement so the gentleman will see that such situation can not arise. The Treasury Department has informed me that the present authorizations are considered sufficient to authorize a public building in every town in this country which has receipts of \$20,000 or over, wherever such a building is necessary. How can any penalty be visited upon a town in that situation? All of them will be taken care of.

Mr. LAGUARDIA. Have they a specific authorization now?

Mr. BYRNS. No; it is a general authorization. The Secretary of the Treasury makes the allocation.

Mr. LAGUARDIA. The moment they have specific authorization they do not require this.

Mr. BYRNS. I will say to the gentleman that the Secretary of the Treasury makes the allocation.

Mr. STAFFORD. If the gentleman will permit, what difference does it make in the allocation of these sites whether the Government receives it as a gift or whether the Government pays for it. The board determines the location.

Mr. LAGUARDIA. Oh, the gentleman knows the pressure that is brought to bear.

Mr. STAFFORD. And the gentleman knows the pressure that is brought to bear when a purchase is made.

Mr. LAGUARDIA. I object, Mr. Speaker.

Mr. BYRNS. If the gentleman will reserve his objection a moment, I will say to the gentleman that in his own city of New York many millions of dollars of this authorization is to be expended. Now, here is an opportunity, possibly, to give some town with receipts of under \$20,000 an opportunity to get a Federal building, if the present authorization is sufficient for the others, and I think the gentleman ought not to object.

Mr. LAGUARDIA. I think the policy is bad, and I object.

Mr. ELLIOTT. Mr. Speaker, a few days ago when this bill was up it was objected to by the gentleman from New York [Mr. LAGUARDIA], and this is the second time it has been objected to.

Mr. STAFFORD. Mr. Speaker, I think I can enlighten the gentleman on that point. When the bill was up before it was not on Consent Calendar day, but at the opening of a general session of the House.

The SPEAKER pro tempore. The Chair is bound by the calendar as it appears and the calendar before the Chair does not show that the bill has heretofore been objected to.

The Clerk will report the next bill on the calendar.

#### JURISDICTION OF WAR CLAIMS ARBITER

The next business on the Consent Calendar was the bill (H. R. 9142) to extend the jurisdiction of the arbiter under the settlement of war claims act to patents licensed to the United States, pursuant to an obligation arising out of their sale by the Alien Property Custodian.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA reserved the right to object.

Mr. STAFFORD, Mr. COLLINS, and Mr. McCLINTIC of Oklahoma objected.

#### BRIDGE ACROSS THE OHIO RIVER NEAR EVANSVILLE, IND.

The next business on the Consent Calendar was the bill (S. 3298) to extend the times for commencing and completing the

construction of a bridge across the Ohio River at or near Evansville, Ind.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the times for commencing and completing the construction of the bridge across the Ohio River at or near Evansville, Ind., authorized to be built by the State of Indiana, acting by and through its State highway commission, by the act of Congress approved March 2, 1927, are hereby extended one and three years, respectively, from March 2, 1930.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

#### BRIDGE ACROSS THE CHOPTANK RIVER, CAMBRIDGE, MD.

The next business on the Consent Calendar was the bill (S. 3421) an act to authorize the Tidewater Toll Properties (Inc.), its legal representatives and assigns, to construct, maintain, and operate a bridge across the Choptank River at a point at or near Cambridge, Md.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. I object.

#### BRIDGE ACROSS THE PATUXENT RIVER, CALVERT COUNTY, MD.

The next business on the Consent Calendar was the bill (S. 3422) an act to authorize the Tidewater Toll Properties (Inc.), its legal representatives and assigns, to construct, maintain, and operate a bridge across the Patuxent River, south of Burch, Calvert County, Md.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Reserving the right to object, this bill and the prior bill both have adverse reports. I wish to inquire of the gentleman from Maryland the need of this legislation in view of the report of the Secretary of War that there is no necessity for it.

Mr. LAGUARDIA. I want to state my objection to these bridge bills, and it is not personal in any way.

Mr. GOLDSBOROUGH. Will the gentleman withhold his objection?

Mr. STAFFORD. Yes.

Mr. GOLDSBOROUGH. The situation is this: The locality greatly desires this bridge. They can acquire the capital to build them partially but not fully. Foreign capital for some reason or other that I do not understand thinks that special congressional legislation is needed. My judgment is that it is not needed. But the fact remains that it is impossible to get either one of the bridges constructed unless there is congressional legislation.

Mr. LAGUARDIA. I base my objection on the letter from the Secretary of Agriculture which states:

A bridge built at the point proposed, therefore, will connect at one end with a Federal-aid project and will derive a very large portion of its traffic from that road. It is the view of the department that a private toll bridge should not be authorized to be constructed at this point. It therefore is recommended that the pending bill be not passed.

Mr. STAFFORD. I base my objection on the letter of the Secretary of War, in which he says:

The Patuxent River is, however, wholly within the limits of the State of Maryland, and the proposed bridge can consequently be authorized by State law and duly constructed provided the plans are submitted to and approved by the Chief of Engineers and by the Secretary of War before construction is commenced, in conformity with the Federal law contained in section 9 of the river and harbor act of March 3, 1899. The enactment of this measure therefore appears to be unnecessary.

The gentleman from Maryland is attempting to explain away that objection from a practical standpoint.

Mr. GOLDSBOROUGH. I will say to the gentleman from New York that this bill is simply a safeguard. It is impossible to get the State of Maryland to construct the bridge at this time.

Mr. LAGUARDIA. I wish my colleague would not put the responsibility on me. It should be put upon the department. I am abiding by their judgment.

Mr. GOLDSBOROUGH. There is no use in pursuing a blanket policy where an explanation can be made.

Mr. LAGUARDIA. I say to my colleague that they should direct their efforts to the Bureau of Public Roads.

Mr. DENISON. Does not the gentleman think that this is a matter for Congress rather than the Bureau of Roads?



Mr. LAGUARDIA. The Bureau of Roads is interested in the proposition and has given the matter a great deal of study.

Mr. DENISON. No more study than Congress has given it.

Mr. LAGUARDIA. Has not the gentleman ingenuity enough to get by an objection of one Member?

Mr. DENISON. Let me say that there would be no better way to get this bridge than in the manner presented in this bill. Of course, there are other ways in which a bill could be passed, but this is the proper way to pass it.

Mr. LAGUARDIA. The gentleman has passed bad measures in an omnibus bill, from my viewpoint.

Mr. DENISON. Both the House and the Senate have approved those bills. I hope the gentleman will not press his objection.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. I object.

#### WATER-PIPE LINE UNDER LITTLE RED RIVER, ARK.

The next business on the Consent Calendar was the bill (S. 3466) to legalize the water-pipe line constructed by the Searcy Water Co. under the Little Red River, near the town of Searcy, Ark.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the water-pipe line of the Searcy Water Co., Searcy, Ark., constructed under the Little Red River, Ark., about 2 miles northeast of the town of Searcy, Ark., be, and the same is hereby, legalized to the same extent and with like effect as to all existing or future laws and regulations of the United States, as if the permit required by existing laws of the United States in such cases made and provided had been regularly obtained prior to the erection of said water-pipe line: *Provided,* That any changes of said water-pipe line which the Secretary of War may deem necessary and order in the interest of navigation shall be promptly made by the owners thereof.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### BRIDGE ACROSS WEST PEARL RIVER, LA.

The next business on the Consent Calendar was the bill (S. 3868) granting the consent of Congress to the Lamar Lumber Co. to construct, maintain, and operate a railroad bridge across the West Pearl River, at or near Talisheek, La.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the consent of Congress is hereby granted to the Lamar Lumber Co., its successors and assigns, to construct, maintain, and operate a railroad bridge and approaches thereto across the West Pearl River, at a point suitable to the interests of navigation, at or near Talisheek, La., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Lamar Lumber Co., its successors and assigns, and any party to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized to exercise the same as fully as though conferred herein directly upon such party.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### BRIDGE ACROSS TENNESSEE RIVER, NEAR CHATTANOOGA

The next business on the Consent Calendar was the bill (S. 4157) to extend the times for commencing and completing a bridge across the Tennessee River, at or near Chattanooga, Hamilton County, Tenn.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the times for commencing and completing the construction of a bridge authorized by an act of Congress approved March 2, 1929, to be built by the city of Chattanooga and the county of Hamilton, Tenn., across the Tennessee River, at or near Chattanooga, Hamilton County, in the State of Tennessee, are hereby extended one and three years, respectively, from the date of approval hereof.

SEC. 2. That the right to alter, amend, or repeal this act is hereby reserved.

Line 9, strike out "the date of approval hereof" and insert "March 2, 1930."

The committee amendment was agreed to and the bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### BRIDGE ACROSS ST. FRANCIS RIVER, ARK.

The next business on the Consent Calendar was the bill (S. 4196) to authorize the construction, maintenance, and operation of a bridge across the St. Francis River in Craighead County, Ark.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the St. Louis Southwestern Railway Co., a corporation organized and existing under the laws of the State of Missouri, be, and it is hereby, authorized to construct, maintain, and operate a railroad bridge and approaches thereto across the St. Francis River at a point suitable to the interests of navigation in section 13, township 13 north, range 6 east, of the fifth principal meridian, in Craighead County, Ark., on a line of railway between Caraway, Ark., and Trumann, Ark., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 2, after line 5, insert:

"SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the St. Louis Southwestern Railway Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized to exercise the same as fully as though conferred herein directly upon such corporation or person."

Page 2, line 15, strike out the figure "2" and insert "3."

The committee amendments were agreed to, and the bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### BRIDGE ACROSS MISSOURI RIVER, KANSAS CITY

The next business on the Consent Calendar was the bill (H. R. 10376) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Kansas City, Kans.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, by reason of the lack of any report from the Department of Agriculture, I object.

Mr. DENISON. Does the gentleman think he ought to carry that objection as far as a case like this, where the men have started the work and have expended money?

Mr. LAGUARDIA. If the distinguished gentleman from Illinois will take the matter up with the Department of Agriculture and get their consent, I will not object. That department went into this, and they say:

When the original bill to authorize the construction of this bridge by the Interstate Bridge Co. was pending before your committee in 1928 this department submitted an adverse report thereon. It still is the view of the department that a private toll bridge should not be authorized at this point.

Mr. DENISON. Yes; but the gentleman understands that a year has elapsed since that time and that Congress authorized the bridge and that expenditures have been made.

Mr. LAGUARDIA. I am simply trying to follow out the policy of the gentleman's administration.

Mr. DENISON. That part of it is not my administration.

Mr. LAGUARDIA. It is a part of the policy of the administration.

Mr. DENISON. I am calling the attention of the gentleman to the fact that there may be an equity in this case. Congress authorized the construction of the bridge, notwithstanding that objection. This is merely an extension of the franchise on account of delays that have occurred.

Mr. LAGUARDIA. I have to be consistent.

Mr. STAFFORD. Has any work of construction been undertaken under the original authorization?

Mr. GUYER. Yes. They have begun construction, and the only reason why they have not gone on is because the Army Engineer's office at Kansas City did not have the proper papers ready or they would have the work farther along.



Mr. STAFFORD. I notice a letter in the report addressed to the gentleman by the manager of the Kansas City Chamber of Commerce, in which the following language is used:

Can you handle this as an emergency proposition and secure extension of franchise from Congress? Will now take some heroic action.

If construction has gone ahead under the original authorization, I do not think the gentleman from New York would hold up the construction and leave the matter in the air.

Mr. LA GUARDIA. And I am sure the Department of Agriculture would be the first one to say that notwithstanding the previous objection, Congress having authorized the bridge, and construction having commenced, they would have no objection.

Mr. STAFFORD. Oh, no. I think the gentleman will agree, after his acquaintance with the department officials, that after department officials have objected, sometimes like objectors in Congress, they do not like to change their positions.

Mr. LA GUARDIA. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice. If the gentleman can convince me that construction has actually and physically commenced, and by that I do not mean blue prints, I shall withdraw my objection.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

#### BRIDGE ACROSS DUCK RIVER, TENN.

The next business on the Consent Calendar was the bill (H. R. 11636) to legalize a bridge across Duck River, on the Nashville-Centerville Road, near Centerville, in Hickman County, Tenn., and approximately 1,000 feet upstream from the existing steel bridge on the Centerville-Dickson Road.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. ESLICK. Mr. Speaker, I ask unanimous consent to substitute Senate bill 4175, which has passed the Senate. The two bills are identical.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

Mr. PATTERSON. Reserving the right to object, I am glad to see such legislation as this. In connection with these bridges, I notice that the State highway commission has completed a splendid bridge on the Lee Highway, and they charge such small tolls at this bridge that it is a pleasure to pay them and go over it.

Mr. STAFFORD. Is the gentleman speaking as a Representative of the State of Alabama, making comparisons with conditions in his own State?

Mr. PATTERSON. I was not referring to any other State at all, but I crossed over this bridge on my way back and forth.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER pro tempore. Without objection, the Senate bill will be substituted for the House bill, and the House bill will lie on the table.

There was no objection, and the Clerk read the Senate bill, as follows:

*Be it enacted, etc.,* That the bridge now being constructed by the Highway Department of the State of Tennessee across Duck River on the Nashville-Centerville Road, near Centerville in Hickman County, Tenn., and approximately 1,000 feet upstream from the existing steel bridge on the Centerville-Dickson Road, be, and the same is hereby, legalized to the same extent and with like effect as to all existing or future laws and regulations of the United States as if the approval of plans of said bridge by the Chief of Engineers, and the Secretary of War required by the existing laws of the United States had been regularly obtained prior to commencement of construction of said bridge.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

#### BRIDGE ACROSS NIAGARA RIVER AT NIAGARA FALLS, N. Y.

The next business on the Consent Calendar was the bill (H. R. 11903) granting the consent of Congress to the construction of a bridge across the East Branch of the Niagara River.

There being no objection to its consideration, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the consent of Congress is hereby granted to the Niagara Frontier Bridge Commission, a State commission created by act of the Legislature of the State of New York, chapter

594 of the Laws of 1929, and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the east branch of the Niagara River, at a point suitable to the interests of navigation, from the city of Niagara Falls, in the county of Niagara and State of New York, at a point east of Evershed Avenue in said city of Niagara Falls, to Grand Island, in the county of Erie and State of New York, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That this act shall be null and void unless the construction of said bridge is commenced within two years and completed within five years from the date of approval hereof.

Sec. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With committee amendments as follows:

Page 1, line 6, strike out the word "and."

Page 1, line 7, strike out the word "toll."

Page 2, line 11, insert:

"Sec. 3. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested."

Page 3, line 8, strike out the figure "3" and insert the figure "4."

The SPEAKER pro tempore. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

Amend the title so as to read: "A bill granting the consent of Congress to the Niagara Frontier Bridge Commission, its successors and assigns, to construct, maintain, and operate a toll bridge across the east branch of the Niagara River at or near the city of Niagara Falls, N. Y."

#### BRIDGE ACROSS NIAGARA RIVER AT TONAWANDA, N. Y.

The next business on the Consent Calendar was the bill (H. R. 11933) granting the consent of Congress to the construction of a bridge across the east branch of the Niagara River.

There being no objection to its consideration, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the consent of Congress is hereby granted to the Niagara Frontier Bridge Commission, a State commission, created by act of the Legislature of the State of New York, chapter 594 of the laws of 1929, and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the east branch of the Niagara River, at a point suitable to the interests of navigation, from the town of Tonawanda, about midway between the southerly city limits of the city of Tonawanda and the northerly city limits of the city of Buffalo, to Grand Island, in the county of Erie and State of New York, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That this act shall be null and void unless the construction of said bridge is commenced within two years and completed within five years from the date of approval hereof.

Sec. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With committee amendments, as follows:

Page 1, line 6, strike out the word "and."

Page 1, line 7, strike out the word "toll."

Page 2, line 11, insert:

"Sec. 3. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges but within a period of not to exceed 20 years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter



be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested."

Page 3, line 6, strike out the figure "3" and insert the figure "4."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

A similar bill was laid on the table.

Amend the title so as to read: "A bill granting the consent of Congress to the Niagara Frontier Bridge Commission, its successors and assigns, to construct, maintain, and operate a toll bridge across the east branch of the Niagara River at or near the city of Tonawanda, N. Y."

#### BRIDGE ACROSS THE MONONGAHELA RIVER, W. VA.

The next business on the Consent Calendar was the bill (H. R. 11934) authorizing the Monongahela Bridge Co. to construct, maintain, and operate a bridge across the Monongahela River at or near the town of Star City, W. Va.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, the West Virginia Bridge Commission has issued a statement which I ask unanimous consent to insert in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Following is the statement referred to:

#### THE TOLL BRIDGE DECISION

The days of the toll bridge, happily, seem numbered in West Virginia. Yesterday's decision of the State supreme court upholding the constitutionality of the act creating the West Virginia Bridge Commission removes the last real obstacle to their ultimate acquisition.

Under authority conferred by the law in question, the commission may build or acquire bridges, pay for them through a toll charge, and throw them open to free use when the debt is discharged.

That is the way, unquestionably, to establish free bridges. It is the fairest sort of procedure that could be imagined. It neither confiscates private property nor imposes a general burden upon the public. As in the case of the gasoline tax, it requires those who use the bridges to pay for them, but exacts no more.

The toll bridge has no proper place in the life of to-day. Traffic is too heavy, covers too wide an area, passes over too many streams. Bridges are too much public necessities to countenance their continued ownership by private interests. There is no more excuse for private capital owning a bridge to-day than for it to operate a section of highway.

Time was when the privately owned toll bridge was a necessity. Indeed, in the early days it would have been difficult to finance a public bridge in most places even if public opinion could have been brought to support the idea. As pioneers, the buildings of toll bridges served a useful purpose, and were entitled to their reward. And to-day they are entitled to reasonable compensation for their property taken over by the public.

We can not shut our eyes to the fact, however, that changing conditions point to the wisdom of public ownership of bridges, and we should rejoice that West Virginia is in position to proceed with the public acquisition of bridges under so eminently fair a plan. (Reprint of editorial in Wheeling (W. Va.) News, May 14, 1930.)

THE STATE BRIDGE COMMISSION OF WEST VIRGINIA,  
MAIN OFFICE, CAPITOL BUILDING,  
Charleston, W. Va.

Subject: Elimination of toll bridges.

A resolution addressed to you as one of the honorable Members of the Congress of the United States was unanimously adopted at a recent meeting the State Bridge Commission of West Virginia, in which reasons are assigned why franchises for toll bridges in this State should not be granted in the future to private interests or individuals.

The Supreme Court of West Virginia has just handed down a decision in a friendly proceeding for the adjudication of the toll bridge act passed by the last regular session of our legislature, completely upholding the authority of the bridge commission. Through the instrumentality of this commission the State may henceforth acquire or construct toll bridges and throw them open free of tolls at the earliest possible time.

The resolution states briefly the premises on which this request is based and, at the direction of the State bridge commissioners, a certified copy is conveyed herein for your earnest consideration. Your full cooperation in this matter will be greatly appreciated by the officials and

citizens of West Virginia and the ever-increasing number of automobilists from everywhere who use our splendid system of highways and bridges.

#### Resolution

Whereas the State Bridge Commission of West Virginia was created in pursuance to, and in conformity with chapter 8 of the acts of the West Virginia Legislature, 1920, which has for its intent the ultimate elimination of toll bridges in West Virginia; and

Whereas the said act authorizes this commission to acquire and to construct, whenever it shall deem such construction expedient, any toll bridge across any navigable river lying wholly or partly within the State or forming a boundary of the State; and

Whereas the authority of the State bridge commission has been upheld in our courts and the commission is proceeding with all due diligence to function under its authority, by means of which the bridges acquired or constructed are to be thrown open for the use of the public free of tolls when the bonds issued to pay for same are retired by revenue derived from tolls collected thereon; and

Whereas the State Bridge Commission is a regularly constituted department of the State government, clothed with full authority in matters pertaining to toll bridges in this State and as a result of the saving in cost which the commission can obviously effect in the construction of a toll bridge by the elimination of promotion fees and other unnecessary expenses, including taxation, thereby permitting such bridge to retire its bonds and to become available to the public as a free bridge at a much earlier date: Therefore be it

*Resolved*, That an overture be, and the same is hereby made by the State Bridge Commission of West Virginia to the Congress of the United States of America praying that, in consideration of the facts set forth above and for other apparent and valid reasons, the Members of your honorable body do not grant to private interests or individuals, franchises for the construction of toll bridges proposed to be located within or partly within the State of West Virginia in the future, or further extensions of franchises already granted upon which no actual construction has been begun.

#### STATE OF WEST VIRGINIA,

*The State Bridge Commission of West Virginia, to wit:*

I, A. C. Kimpel, secretary-treasurer of the State Bridge Commission of West Virginia, and as such the legally constituted and duly authorized custodian of its books, papers, and records, do hereby certify that the foregoing is a true copy of an order passed and entered of record by the State Bridge Commission of West Virginia on the 22d day of April, 1930.

Given under my hand and the seal of the State Bridge Commission of West Virginia this 19th day of May, 1930.

A. C. KIMPEL,  
Secretary-Treasurer of the State Bridge  
Commission of West Virginia.

Mr. LAGUARDIA. I have conferred with the author of the bill [Mr. BOWMAN], and he is satisfied to accept an amendment providing that the bridge must be approved by the State Bridge Commission of West Virginia. With that understanding, I shall not object.

Mr. PATTERSON. Is that one of the private toll bridges?

Mr. LAGUARDIA. The State of West Virginia will control it. It is an experiment.

Mr. BACHMANN. Mr. Speaker, I think my colleague [Mr. BOWMAN] wants to offer an amendment.

Mr. PATTERSON. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

Mr. BACHMANN. Mr. Speaker, in the State of West Virginia our legislature passed a law putting all bridges within the State under the control of the State commission. That commission is functioning very nicely for the protection of the public. The jurisdiction of that commission covers all the bridges within the State. The amendment, I understand, provides that the matter be referred to the bridge commission in West Virginia and will require their approval.

Mr. LAGUARDIA. I think the commission would take into consideration the cost, and the maintenance, and the retirement of bonds, and all such matters, and they will fix a reasonable fare.

Mr. PATTERSON. The point I had in mind is that a lot of these private toll bridges require the payment of 35 or 40 cents for toll, but when you strike a State bridge you have to pay as much as \$1.

Mr. BACHMANN. The intention is to throw all these bridges open to the public.

Mr. SCHAFER of Wisconsin. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from West Virginia if the commission in West Virginia has sufficient funds and personnel at its disposal to effectively supervise and regulate these bridges? We pass private toll bridge bills and incorporate certain provisions which are intended to safeguard the public, but there is not sufficient appropriations or personnel available to permit an actual survey of the whole situation and

effective regulation by the department. It is a regulation by name only.

Mr. BACHMANN. That is the very thing we are trying to work out in West Virginia for the people.

Mr. SCHAFER of Wisconsin. They are functioning and checking up on these private toll bridges?

Mr. BACHMANN. They are.

Mr. SCHAFER of Wisconsin. I hope the Congress will look into the check up made by the West Virginia State commission in the future and provide some kind of personnel and a sufficient appropriation so that Congress can have an absolutely fair check on the private toll bridge monopolies granted by acts of the Congress.

Mr. BACHMANN. Let me say further that there was a printed document from our bridge commission of West Virginia filed before the committee. The gentleman from West Virginia [Mr. SMITH] filed it with the committee.

Mr. LA GUARDIA. Did he also put in the reprint?

Mr. BACHMANN. Yes. It is all filed with the committee.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER of Wisconsin. In view of the statement of the gentleman from West Virginia [Mr. BACHMANN] I shall not object.

Mr. STAFFORD. I shall not object.

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes, the Monongahela Bridge Co., its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Monongahela River, at a point suitable to the interests of navigation, at or near the town of Star City, W. Va., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. After the completion of such bridge, as determined by the Secretary of War, the State of West Virginia, any public agency or political subdivision of said State, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of said State of West Virginia governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 10 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 3. If such bridge shall at any time be taken over or acquired by the State of West Virginia or by any public agencies or political subdivisions thereof, or by either of them, as provided in section 2 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 4. The said Monongahela Bridge Co., its successors and assigns, shall, within 90 days after the completion of such bridge, file with the Secretary of War and with the Highway Department of the State of West Virginia a sworn itemized statement showing the actual cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon the request of the Highway Department of the State of West Virginia, shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding

of the actual and reasonable costs of constructing, financing, and promoting such bridge. For the purpose of such investigation the said Monongahela Bridge Co., its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 2 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 5. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Monongahela Bridge Co., its successors and assigns; and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 6. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 3, strike out the word "facilitate" and insert in lieu thereof the word "promote."

Page 2, line 7, after the word "war," insert the word "either."

Page 2, line 8, after the word "any," strike out the words "public agency or."

Page 2, line 9, strike out the words "of said State" and insert the word "thereof."

Page 2, line 15, after the words "laws of," strike out the word "said" and insert the word "such"; after the word "State," strike out the words "of West Virginia."

Page 3, line 7, after the word "any," strike out the words "municipal-ity or."

Page 3, line 8, after the word "public," strike out the word "agencies" and insert the word "agency."

Page 3, line 8, after the words "agency or," insert the word "other."

Page 3, line 8, after the word "political," strike out the word "sub-divisions."

Page 3, line 9, insert the word "subdivision," and after the word "thereof," strike out the words "or by either of them as provided in" and insert in its place the words "under the provisions of."

Page 3, line 18, after the word "period," insert the word "of."

Page 3, line 23, after the word "fund," insert the word "of."

Page 4, line 11, insert the word "original."

Page 4, line 14, after the word "and," strike out the word "upon" and insert the word "at."

Page 4, line 21, after the word "bridge," strike out the word "For" and insert in lieu thereof a semicolon and the word "for."

Page 5, line 8, after the words "successors and," strike out the word "assigns" and the semicolon and insert the word "assigns" and a comma.

The committee amendments were agreed to.

Mr. LA GUARDIA. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from New York [Mr. LA GUARDIA] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. LA GUARDIA: Page 1, line 6, after the word "authorized," insert "subject to the approval of the State Bridge Commission of West Virginia."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

The title was amended.

CONSTRUCTION OF A BRIDGE ACROSS LAKE SABINE, NEAR PORT ARTHUR, TEX.

The next business on the Consent Calendar was the bill (H. R. 11966) to extend the times for commencing and completing the construction of a bridge across Lake Sabine at or near Port Arthur, Tex.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I wish to direct an inquiry to the author of the bill, the gentleman from Texas [Mr. Box], as to the potency of the criticism of the Acting Secretary of the Department of Agriculture as found in the last sentence of his letter of May 9, 1930, to the chairman of the Committee on Interstate and Foreign Commerce, in which he uses this language:

However, almost two years have elapsed since the original authorization was granted for Mr. McKee to construct this bridge, and it is not believed that he should be granted a further extension of time to the



possible exclusion of others when he is apparently unable to take advantage of the rights already conferred upon him by Congress.

Mr. BOX. If the gentleman please, the work of constructing this bridge has not been possible because it has been necessary for the grantee to get certain rights from both the State of Louisiana and the State of Texas. The Texas Legislature and the governor did not act finally and favorably until recently. At each time heretofore he has expected to be able to get that authority from the two States, but has heretofore been disappointed. That authority, or certain rights necessary to the enjoyment of it, has now been granted by both States.

Mr. STAFFORD. Will the gentleman inform the House how recently the authority has been granted?

Mr. BOX. The act of the Texas Legislature was passed and approved during recent months, since the last session of Congress. The Louisiana authorities acted earlier.

Mr. STAFFORD. So the gentleman states that Mr. McKee is a man of some parts and this is not simply a speculative, stock-jobbing proposition?

Mr. BOX. I am unable to make any statement as to the details of the man's financial ability. I know it is a city of about 50,000 people, and that the chamber of commerce and those concerned seem to have sufficient confidence in his undertakings to make them willing to grant him this right. The border territory of Louisiana seems anxious to have him authorized to construct the bridge. Both of the States interested have granted the necessary rights.

Mr. STAFFORD. That is sufficient.

Mr. LA GUARDIA. But the department recommends against the granting of further time?

Mr. BOX. That is the matter which was raised by the gentleman from Wisconsin. It is simply a matter of extension of time.

Mr. STAFFORD. The gentleman has responded to my inquiry, that the reason why the work has not been done is because it was necessary to obtain authority from the respective States, which has only recently been granted.

The SPEAKER pro tempore. Is there objection?

Mr. PATTERSON. Reserving the right to object, I want to ask one more question about this. Unless the gentleman can show or will give reasonable assurance that this will be controlled by the city or the State, so that the toll charge will be controlled, I shall be compelled to object.

Mr. BOX. The act itself gives that right to the Secretary of War, and the Secretary of War does not object.

Mr. PATTERSON. But the Secretary of Agriculture seems to disapprove.

Mr. BOX. He simply thinks it is useless to grant a further extension, not realizing the fact that it has not been possible for the grantee to begin the construction of the bridge because he had to get certain rights from the States of Louisiana and Texas. He did not get the latter until during recent months, during the present year. The bridge is to be several miles long, across a shallow lake. This plan of granting such a franchise as this bill carries appears to be the only opportunity they will have to get that causeway constructed. It will be 4 or 5 miles long across Sabine Lake.

Mr. PATTERSON. Would it be wise to offer an amendment there?

Mr. BOX. I believe, if the gentleman will permit, that the rights of the public are adequately safeguarded.

Mr. DYER. The Secretary of War controls that.

Mr. PATTERSON. And the gentleman thinks that under the control of the Secretary of War, they will be adequately protected?

Mr. DYER. They are in my State.

Mr. COCHRAN of Missouri. It has been held time and again that when Congress grants a franchise such as this the State has absolutely no jurisdiction, and there is no reason that I know of why this individual found it necessary to get any permission from either the State of Louisiana or the State of Texas.

Mr. BOX. Apparently it has been all the while understood by the authorities of both States that this is necessary. All of the local people seem to take the same view, as do both the State of Louisiana and the State of Texas.

Mr. COCHRAN of Missouri. The gentleman from Illinois, chairman of the Bridge Committee [Mr. DENISON], will tell you it is not necessary.

Mr. BOX. That may be correct. If the gentleman knew all of the facts as to the necessity or desirability of acquiring adjacent lands for bridgeheads or kindred purposes he might take a different view. In any event, the belief that these

things were necessary, acted upon by all parties, has created a situation with which Mr. McKee, the grantee, has had to deal.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the times for commencing and completing the construction of a bridge across Lake Sabine, between a point at or near Port Arthur, Tex., and a point opposite in Cameron Parish, La., authorized to be built by H. L. McKee, his heirs, legal representatives, and assigns, by the act of Congress approved May 18, 1928, and extended by the act of Congress approved March 2, 1929, are hereby extended one and three years, respectively, from May 18, 1930.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 8, strike out the word "and" and insert the word "heretofore."

Page 2, line 1, after the word "hereby," insert the word "further."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

#### EMPLOYMENT CONDITIONS IN BOSTON

Mr. McCORMACK of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a letter which I have received in relation to the employment conditions in Boston.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD by inserting a letter which he has received in reference to employment conditions in Boston. Is there objection?

Mr. SCHAFER of Wisconsin. Mr. Speaker, reserving the right to object, from whom is the letter?

Mr. McCORMACK of Massachusetts. This letter is from the director of employment of the city of Boston.

Mr. SCHAFER of Wisconsin. A municipal officer?

Mr. McCORMACK of Massachusetts. Yes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. McCORMACK of Massachusetts. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following letter which I have received in relation to the employment conditions in Boston:

CITY OF BOSTON, EMPLOYMENT BUREAU,  
Boston, Mass., June 2, 1930.

Hon. JOHN McCORMACK,

Member of United States Congress, Washington, D. C.

DEAR CONGRESSMAN: As the director of the Municipal Employment Bureau of Boston, connected with the United States Department of Labor, I think it only proper that you, as a Representative in Congress from a Boston district, should be informed of the conditions existing in this city relative to employment.

From personal contact and reports from the contact men in my office, with over 1,000 large firms, factories, and business houses, we find the same condition existing everywhere, namely, a deplorable state of unemployment; in fact, the worst state in the memory of any and all.

The program of efficiency, the machination of man power, and the tightness of money have brought about a serious condition that will be historical.

Through a careful check of my daily, weekly, and monthly reports I find that instead of improving as the warmer weather approaches, the condition of unemployment is steadily growing worse.

A concrete example of this may be drawn from the comparison between 1929 and 1930 contacts with such firms as the Beacon Oil and the United States Army Stores.

In previous years a large oil company has at this season put to work through this office some 200 men; the United States Army Stores a like number; in 1930, these concerns have not placed to work a single man.

A department store, which in 1927 ranked first among the department stores of the country, within the last 3 months has laid off over 1,000 of its help; men and women who have worked for the concern for from 5 to 25 years. These are but a few of the concerns which could be mentioned.

In the city of Boston building-trade unions there are about 25,000 members, of whom only 25 per cent are working as compared to 30 to 35 per cent who were working in March.

I again reiterate that the trend is downward as the year goes on, and you, as a Representative of the people of this State in Congress, should be informed of this condition.

Respectfully yours,

JOHN J. SHIELDS,  
Director of Employment.

## BRIDGE ACROSS THE LUMBER RIVER

The next business on the Consent Calendar was the bill (H. R. 11974) granting the consent of Congress to the Beaufort County Lumber Co. to construct, maintain, and operate a railroad bridge across the Lumber River at or near Fair Bluff, Columbus County, N. C.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the consent of Congress is hereby granted to the Beaufort County Lumber Co., its successors and assigns, to construct, maintain, and operate a railroad bridge and approaches thereto across the Lumber River, at a point suitable to the interests of navigation, at or near Fair Bluff, Columbus County, N. C., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Beaufort County Lumber Co., its successors and assigns; and any party to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise is hereby authorized to exercise the same as fully as though conferred herein directly upon such party.

Sec. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

## UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Mr. COYLE. Mr. Speaker, I ask unanimous consent to return to No. 492 on the Consent Calendar, H. R. 7926, to provide for terms of the United States District Court for the Eastern District of Pennsylvania to be held at Easton, Pa., which bill was objected to yesterday by the gentleman from Michigan [Mr. CRAMTON]. An amendment which is agreeable to the gentleman from Michigan is to be offered to the bill, and in view of that amendment the gentleman has withdrawn his objection.

Mr. STAFFORD. Is this the bill relating to the holding of court at Easton, Pa.?

Mr. COYLE. Yes.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent to return to No. 492 on the Consent Calendar, H. R. 7926. Is there objection?

There was no objection.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BOYLAN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman if this bill carries with it a proviso for the appointment of an additional judge?

Mr. COYLE. It does not.

Mr. PATTERSON. Mr. Speaker reserving the right to object, was this bill passed over yesterday?

Mr. COYLE. This bill was passed over yesterday without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the terms of the United States District Court for the Eastern Judicial District of Pennsylvania shall be held at Easton, Pa., on the first Tuesdays in June and November of each year: *Provided, however,* That all writs, precepts, and processes shall be returnable to the terms at Philadelphia and all court papers shall be kept in the clerk's office at Philadelphia unless otherwise specially ordered by the court, and the terms at Philadelphia shall not be terminated or affected by the terms herein provided for at Easton.

With the following committee amendment:

On page 2, line 3, after the word "Easton," insert a colon and the following proviso: "*Provided further,* That suitable accommodations for holding court at Easton are furnished free of expense to the United States."

Mr. COYLE. Mr. Speaker, I offer an amendment to the committee amendment.

The SPEAKER pro tempore. The gentleman from Pennsylvania offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment to the committee amendment offered by Mr. COYLE: On page 2, line 3, after the word "That," insert "this authority shall continue only during such time as."

Mr. DYER. Will the gentleman yield?

Mr. COYLE. Yes.

Mr. DYER. What is the intent of this amendment?

Mr. STAFFORD. Mr. Speaker, may we have the entire clause read, with the proposed amendment incorporated?

Mr. COYLE. I think the entire clause will explain it very readily.

The SPEAKER pro tempore. Without objection, the Clerk will report the entire clause with the amendment incorporated.

There was no objection.

The Clerk read as follows:

*Provided further,* That this authority shall continue only during such time as suitable accommodations for holding court at Easton are furnished free of expense to the United States.

Mr. DYER. Of course, that is taken for granted, but as the gentleman from Michigan sees fit to allow the bill to pass with that amendment in it I will not enter an objection, although it is a foolish amendment, in my judgment.

The committee amendment as amended was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

## TERRITORY OF HAWAII

The next business on the Consent Calendar was the bill (H. R. 11051) to amend section 60 of the act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I understand that this bill extends the right of suffrage to the women of Hawaii.

Mr. HOUSTON of Hawaii. No; the right of suffrage has already been extended by two affirmative acts, once by the act which is now section 618, title 48, United States Code, and subsequently by the nineteenth amendment.

Mr. STAFFORD. What is the purpose of the pending bill?

Mr. HOUSTON of Hawaii. In the report it is shown that this perfecting amendment is necessary by reason of the passage of Mr. FITZGERALD's bill to repeal obsolete statutes. Amongst others it strikes out section 618, title 48, of the United States Code, and in the supplement to the code it says that "apparently the nineteenth amendment supersedes the provisions of section 618." If they had not put that word "apparently" in, there might not have been any reason for this bill, but this will clear up the whole situation and in the organic act it will be shown that the requirement for suffrage is simply citizenship.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. HOUSTON of Hawaii. Yes.

Mr. SCHAFER of Wisconsin. Referring to the fifth qualification on page 2 of the bill—

Be able to speak, read, and write the English or Hawaiian language—how much of the English or Hawaiian language are these voters supposed to be able to speak and write before they are qualified to vote? Is this another grandfather clause such as they have in the South, under which many citizens of the colored race are denied the right to vote, which right is guaranteed to them under the Constitution of the United States?

Mr. HOUSTON of Hawaii. We have no difficulties of a racial character in Hawaii.

Mr. SCHAFER of Wisconsin. Who is going to determine how much of the English or the Hawaiian language a voter must be able to read and write before he can vote?

Mr. HOUSTON of Hawaii. That is set out by the Legislature of the Territory of Hawaii.

Mr. LAGUARDIA. That is the law now.

Mr. HOUSTON of Hawaii. That is the law now.

Mr. SCHAFER of Wisconsin. Then what is the real purpose of the bill?

Mr. HOUSTON of Hawaii. To strike out the word "male" in the organic act.

Mr. SCHAFER of Wisconsin. If that is the purpose, I shall not object, but I do not see why the gentleman had to repeat so much of the existing law in his bill and clutter up the statutes.

Mr. HOUSTON of Hawaii. That is all it is—just the word "male" is stricken out.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That section 69 of the act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, as amended (U. S. C., title 48, sec. 617), is amended by striking



out the word "male" in the second paragraph of said section, so that it will read as follows:

"SEC. 60. That in order to be qualified to vote for representatives a person shall—

"First. Be a citizen of the United States.

"Second. Have resided in the Territory not less than one year preceding and in the representative district in which he offers to register not less than three months immediately preceding the time at which he offers to register.

"Third. Have attained the age of 21 years.

"Fourth. Prior to each regular election, during the time prescribed by law for registration, have caused his name to be entered on the register of voters for representatives for his district.

"Fifth. Be able to speak, read, and write the English or Hawaiian language."

With the following committee amendment:

Page 1, line 3, strike out the figures "69" and insert in lieu thereof the figures "60."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

#### FEDERAL POWER COMMISSION

Mr. PARKER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3619) to reorganize the Federal Power Commission, with a House amendment, insist on the House amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. PARKER, HOCH, and RAYBURN.

#### MEMORIAL BUILDING AT CHAMPOEG, OREG.

The next business on the Consent Calendar was the bill (H. R. 7983) to authorize the construction of a memorial building at Champoeg, Oreg.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA, Mr. STAFFORD, Mr. COLLINS, and Mr. McCLINTIC of Oklahoma objected.

#### THE POST-OFFICE BUILDING AT WASHINGTON, D. C.

The next business on the Consent Calendar was the bill (H. R. 11144) to authorize the Secretary of the Treasury to extend, remodel, and enlarge the post-office building at Washington, D. C., and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. McCLINTIC of Oklahoma. Mr. Speaker, reserving the right to object, I would like to know who has charge of this piece of legislation. I have not had time to look into the merits of the measure. Does this bill in any way have anything to do with the Post Office Department building proper?

Mr. ELLIOTT. No; I would say to the gentleman from Oklahoma that the building that is to be remodeled is the post-office building down by the Union Station. This building was erected and occupied in September, 1914. It was really not built large enough in the first place, and the post office is badly congested. They need this additional space.

The trouble in the matter is that when we drafted the original building law it was not brought to our attention that there would be any need for anything to be done to the Washington post office. Consequently, the program did not provide for building any post office in Washington. The District part of the bill provided only for the erection of buildings down in the triangle and did not reach this particular situation. So when it was brought to our attention by the Postmaster General that it was necessary to build an extension to this building we had to bring in a new law, and there being only one case of this kind, we brought in a bill affecting this one office.

Mr. McCLINTIC of Oklahoma. This will be an extension of the present postal facilities down close to the Union Station?

Mr. ELLIOTT. Yes.

Mr. McCLINTIC of Oklahoma. Costing approximately how much?

Mr. ELLIOTT. Not to exceed \$4,000,000.

Mr. McCLINTIC of Oklahoma. Does the business of the city at the present time justify such an expenditure?

Mr. ELLIOTT. The Postmaster General says that the congestion is very great. In the last 12 years the business of this office has increased more than 100 per cent. When this build-

ing was first erected they had about 1,000 employees there, and they now have nearly 1,800 working in the same quarters.

Mr. McCLINTIC of Oklahoma. May I ask the gentleman this further question? According to information given me, there is a kind of planning commission or a Fine Arts Commission here in Washington that approves all the plans with respect to the erection of additions to buildings or any new buildings. Does this proposed legislation give to this commission the right to have supervision over the making of plans?

Mr. ELLIOTT. This bill does not affect any law that there may be on the statute books now with regard to their supervision of such plans. This bill merely authorizes the construction of an addition to the present building.

Mr. McCLINTIC of Oklahoma. If I am correctly informed, it is now proposed to tear down the splendid stone Post Office Building on Pennsylvania Avenue, which, according to my viewpoint, is one of the best constructed buildings in the entire country. Immediately across the street from the same is the new building constructed for the Internal Revenue Bureau that has a roof on it which looks like it was made for a chicken house, and the back end of the building looks a good deal like a barn. When you compare that building with the National Museum you find this planning commission has not in any way followed architectural lines, and for that reason I have asked whether we had such a commission. If we do have such a commission, it certainly seems to me they have permitted the construction of a monstrosity that is clearly out of line in every way when it comes to considering the architectural beauty of surrounding buildings such as the National Museum and the Post Office Building, and I am hoping they will not tear down the splendid stone Post Office Building in order to build something to conform with the building which is next to it.

Mr. LAGUARDIA. Will the gentleman yield? The gentleman would not want the building to remain if it is out of harmony and symmetry with all of the other buildings?

Mr. McCLINTIC of Oklahoma. The building I am talking about is not in harmony with the National Museum. It is a better building than either one of them, and if the gentleman has any recollection of the buildings in Italy and France and other countries he will know that this is more similar to those buildings than those we have here. It seems to me a crime to destroy such a splendid building as the present Post Office Building, as it is the most substantially constructed edifice in Washington and I want to protest against such a policy of extravagance.

Mr. STAFFORD. Reserving the right to object, we hear much these days about saving in the expenditure of public money. The report before us does not show any pressing need of going to the expense of spending \$4,000,000 for the enlargement of the Washington City Post Office. Neither does the report show that this has the approval of the Budget. I think we are going pretty wild—and here is the watchdog of the Treasury, the gentleman from Michigan [Mr. CRAMTON]—in expending this amount of money. There will be no harm done to the Postal Service if we do not go ahead with the expenditure of \$4,000,000 at this time.

Mr. CRAMTON. Let me say—

Mr. STAFFORD. In view of the fact that I have taken the gentleman's name in vain, I yield.

Mr. CRAMTON. Not at all—if the gentleman wants information he is proceeding correctly. [Laughter.] If this authorization goes through the expenditure will be made out of the regular appropriation for public buildings in Washington, for which there have been Budget estimates theretofore, and there are now before Congress additional estimates for some \$25,000,000 for buildings in Washington and in the country. It is in pursuance of these Budget estimates that money will actually be appropriated for this construction. The building has been approved by the committee authorized by Congress to submit a program of building in Washington.

Mr. STAFFORD. This does not add anything to the beautification of Washington.

Mr. CRAMTON. It is a matter of utility to take care of the great needs of the Post Office Department.

Mr. STAFFORD. The report shows no pressing condition. I thought here was an instance where we could save money in these days of diminishing receipts and mounting appropriations.

Mr. CRAMTON. I have enough responsibility for what I say without being responsible for what the gentleman from Wisconsin says I say. [Laughter.]

Mr. STAFFORD. I do not want to throw any responsibility on the gentleman from Michigan for what I say, and certainly if it affects the arid views of the gentleman.

Mr. McCLINTIC of Oklahoma. Mr. Speaker, further reserving the right to object, would the gentleman be willing to accept

an amendment that this shall be approved by the Fine Arts Commission and the Postmaster General?

Mr. ELLIOTT. I have no objection, because I think the law already requires it.

Mr. DYER. That is in the general law.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized to enter into contracts for the extension, remodeling, and enlargement of the post-office building, Washington, D. C., on land already owned by the Government in square 678, including the extension of existing mechanical equipment, mail handling and conveying apparatus, etc., where necessary, in an amount not exceeding \$4,000,000, to be charged against the total authorization of \$315,000,000 made by the act of May 25, 1926, and acts amendatory thereof.

With the following committee amendments:

Page 2, line 1, after the figures "\$4,000,000," strike out the words "to be charged against the total authorization of \$315,000,000 made by the act of May 25, 1926, and acts amendatory thereof."

The committee amendment was agreed to.

Mr. McCLINTIC of Oklahoma. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 2, line 1, after the figures "\$4,000,000," insert "Provided, That the plans and specifications for such building shall be approved by the Fine Arts Commission and by the Postmaster General."

The amendment was agreed to.

Mr. LA GUARDIA. Mr. Speaker, I offer the following amendment: On page 1, line 9, strike out the words "and so forth."

Mr. CRAMTON. Mr. Speaker, I ask to be heard in opposition to the amendment. I have in my hand the recent hearings before the Committee on Appropriations with reference to the public-building program. I find that the Fourth Assistant Postmaster General made this statement with reference to this proposed city post-office annex:

We have a bill that is before the Public Buildings and Grounds Committee authorizing the construction of that annex. It seems that we got up against what they call new legislation, so Mr. ELLIOTT introduced this bill for \$4,000,000 to extend the present city post office on the ground we already own. The building is in terrible condition. On account of the lack of sufficient space in which to function, the mail is not being handled anything like as promptly in the city of Washington as it could be handled if we had the space.

I shall not proceed farther with that statement. The statement comes from the Fourth Assistant Postmaster General and would indicate that this is a necessary and desirable expenditure. Otherwise, I am entirely in harmony with the amendment of the gentleman from New York.

Mr. STAFFORD. Mr. Speaker, I move to strike out the last word of the amendment. I think the amendment offered by the gentleman from New York will do violence to the intentment of the Post Office Department in the character of equipment that is necessary to be installed in this new addition. The gentleman notices that the language provides for the—

Extension of existing mechanical equipment, mail handling and conveying apparatus, and so forth.

I can readily conceive of many other kinds of equipment not included in those general terms, which would be essential in the necessary equipment for postal facilities.

Mr. LA GUARDIA. Will this correct it?—

Conveying and other necessary apparatus.

Mr. STAFFORD. Yes.

Mr. LA GUARDIA. "And so forth" is bad legislative language.

Mr. STAFFORD. I agree with the gentleman that the language is not proper.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. LA GUARDIA. Yes.

Mr. CRAMTON. Let me state further to those interested that Mr. Martin, the assistant to the Supervising Architect, stated in those same hearings that the square feet of floor space in the present building is 275,118, and that when extended as proposed there will be 530,157 square feet. It approximately doubles the floor space.

Mr. LA GUARDIA. Mr. Speaker, I ask unanimous consent to withdraw my amendment and to offer the following modified amendment, which I send to the desk.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the modified amendment.

The Clerk read as follows:

Amendment offered by Mr. LA GUARDIA: Page 1, line 8, after the word "handling," insert a comma and strike out the word "and," and after the word "conveying," insert the words "and other," and after the word "apparatus," strike out the words "and so forth."

The amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### THE TARIFF

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent to speak for one minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. HAWLEY. Mr. Speaker, it has been reported, and I think correctly so, that the Senate will vote on the tariff bill at 2 o'clock Friday. In that event, the bill will be called up in the House on Saturday next.

#### RIO GRANDE COMPACT

Mr. HARDY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3386) giving the consent and approval of Congress to the Rio Grande compact signed at Santa Fe, N. Mex., on February 12, 1929, and consider the same at this time. This is an emergency matter.

The SPEAKER. The gentleman from Colorado calls up the bill, S. 3386, and asks unanimous consent to consider it at this time. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, will the gentleman from Colorado please make a statement in respect to what the bill does?

Mr. HARDY. Mr. Speaker, this bill simply provides for the approval of Congress to the Rio Grande River compact entered into between Colorado, New Mexico, and Texas, on February 12, 1929. Commissioners Delph E. Carpenter, for the State of Colorado, T. H. McGreagor, for the State of Texas, and Francis C. Wilson, for the State of New Mexico, together with William J. Donovan, appointed by the President to represent the United States, met at Santa Fe, N. Mex., considered the problems in hand, and came to conclusions embraced in this bill.

Since then the compact has been approved by the State legislatures of the several States at interest as follows: Colorado approved April 19, 1929; New Mexico approved March 9, 1929; and Texas approved May 22, 1929.

The bill has passed the Senate, has been approved and reported by the House Committee on Irrigation and Reclamation, and has the approval of the Secretary of the Interior, Mr. Wilbur, who, in a letter to the committee under date of May 26, 1930, says, in part:

I know of no reason why the proposed measure should not receive favorable consideration.

The bill gives approval to the compact. The compact recites agreement entered into by the States as to interstate water-right problems along the Rio Grande River. It will have the general effect of quieting fears and settling disputes and is to run for five years, though the time may be extended by uniform action of the State legislatures of the three States. In that time the States are given the opportunity of considering the more intricate problems before them and differences between them and coming to an amicable agreement.

This bill has the approval of the three States interested—Colorado, New Mexico, and Texas—and should have the approval of Congress.

Mr. HUDSPETH. If the gentleman will permit, the three States have agreed and this simply obviates lawsuits that would have been instituted by Colorado and Texas as to the matter of the division of the water. They met and agreed on a division of the water.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that the bill may be inserted in the Record in full without reading.

The SPEAKER. Is there objection?

There was no objection.

The bill is as follows:

*Be it enacted, etc.,* That the consent and approval of Congress is hereby given to the compact signed by the commissioners for the States



of Colorado, New Mexico, and Texas at Santa Fe, N. Mex., on the 12th day of February, 1929, and thereafter approved by the Legislature of the State of Colorado by act approved April 19, 1929, by the Legislature of the State of New Mexico by act approved March 9, 1929, and by the Legislature of the State of Texas by act approved May 22, 1929, which compact reads as follows:

"RIO GRANDE COMPACT

"The State of Colorado, the State of New Mexico, and the State of Texas, desiring to remove all causes of present and future controversy among these States and between citizens of one of these States and citizens of another State with respect to the use of the waters of the Rio Grande above Fort Quitman, Tex., and being moved by considerations of interstate comity, have resolved to conclude a compact for the attainment of these purposes, and to that end, through their respective governors, have named as their respective commissioners Delph E. Carpenter for the State of Colorado, Francis C. Wilson for the State of New Mexico, and T. H. McGregor for the State of Texas, who, after negotiations participated in by William J. Donovan, appointed by the President as the representative of the United States of America, have agreed upon the following articles, to wit:

"ARTICLE I

"(a) The State of Colorado, the State of New Mexico, the State of Texas, and the United States of America are hereinafter designated 'Colorado,' 'New Mexico,' 'Texas,' and the 'United States,' respectively.

"(b) The term 'Rio Grande Basin' means all of the territory drained by the Rio Grande and its tributaries in Colorado, New Mexico, and Texas above Fort Quitman, Tex.

"(c) The term 'tributary' means any water course the waters of which naturally flow into the channel of the Rio Grande.

"(d) The 'closed basin' means that part of the San Luis Valley in Colorado where the streams and waters naturally flow and drain into the San Luis Lakes and adjacent territory, and the waters of which are not tributary to the Rio Grande.

"(e) 'Domestic' use of water has the significance which attaches to the word 'domestic' in that sense at common law. 'Municipal' use means the use of water by or through water works serving the public. 'Agricultural' use means the use of water for the irrigation of land.

"(f) The term 'power' as applied to the use of water means all uses of water, direct or indirect, for the generation of energy.

"(g) 'Spill' or waste of water at a reservoir means the flowage of water over the spillway, or the release of water through outlet structures other than for domestic, municipal, or agricultural uses, and losses incident thereto.

"The provisions hereof binding each signatory State shall include and bind its citizens, agents, and corporations, and all others engaged in, or interested in, the diversion, storage, or use of the waters of the Rio Grande in Colorado or New Mexico, or in Texas above Fort Quitman.

"ARTICLE II

"The States of Colorado, New Mexico, and Texas hereby declare:

"(a) That they recognize the paramount right and duty of the United States, in the interests of international peace and harmony, to determine and settle international controversies and claims by treaty, and that when those purposes are accomplished by that means the treaty becomes the supreme law of the Nation;

"(b) That since the benefits which flow from the wise exercise of that authority and the just performance of that duty accrue to all the people, it follows as a corollary that the Nation should defray the cost of the discharge of any obligation thus assumed;

"(c) That with respect to the Rio Grande, the United States, without obligation imposed by international law and 'being moved by considerations of international comity,' entered into a treaty dated May 21, 1906 (34 Stat. 2953), with the United States of Mexico which obligated the United States of America to deliver from the Rio Grande to the United States of Mexico 60,000 acre-feet of water annually and forever, whereby in order to fulfill that promise the United States of America, in effect, drew upon the States of Colorado, New Mexico, and Texas a draft worth to them many millions of dollars, and thereby there was cast upon them an obligation which should be borne by the Nation;

"(d) That for the economic development and conservation of the waters of the Rio Grande Basin and for the fullest realization of the purposes recited in the preamble to this compact it is of primary importance that the area in Colorado known as the Closed Basin be drained and the water thus recovered be added to the flow of the river, and that a reservoir be constructed in Colorado upon the river at or near the site generally described as the State Line Reservoir site. The installation of the drain will materially augment the flow of the river, and the construction of the reservoir will so regulate the flow as to remove forever the principal causes of the difficulties between the States signatory hereto; and

"(e) That in alleviation of the heavy burden so placed upon them it is the earnest conviction of these States that without cost to them the United States should construct the Closed Basin Drain and the State Line Reservoir described in paragraph (d).

"The signatory States agree that approval by Congress of this compact shall not be construed as constituting an acceptance or approval, directly, indirectly, or impliedly, of any statement or conclusion appearing in this article.

"ARTICLE III

"(a) Colorado, under the direction and administration of its State engineer, shall cause to be maintained and operated an automatic recording stream-gauging station at each of the following points, to wit:

"(1) On the Rio Grande near Del Norte at the station now maintained, known and designated herein as the Del Norte gauging station (the water records from this station to include the flow diverted into the canal of the Del Norte irrigation system);

"(2) On the Rio Conejos near Mogote, a station known and designated herein as the Mogote gauging station;

"(3) On the Rio Grande at or near the Colorado-New Mexico interstate line, a station known and designated herein as the interstate gauging station; and

"(4) Such other station or stations as may be necessary to comply with the provisions of this compact.

"(b) New Mexico, under the direction and administration of its State engineer, shall cause to be maintained and operated an automatic stream-gauging station at each of the following points, to wit:

"(1) On the Rio Grande at the station known as Buckman;

"(2) On the Rio Grande at San Marcial;

"(3) On the Rio Grande at the Elephant Butte Reservoir outlet; and

"(4) Such other station or stations as may be necessary to comply with the provisions of this compact.

"(c) Texas, under the direction and administration of duly constituted official, shall cause to be maintained and operated an automatic stream-gauging station at each of the following points, to wit:

"(1) On the Rio Grande at Courchesne;

"(2) On the Rio Grande at Tornillo; and

"(3) On the Rio Grande at Fort Quitman.

"(d) New Mexico and Texas shall establish and maintain such other gauging station or stations as may be necessary for ascertaining and recording the release, flow, distribution, waste, and other disposition of water at all points between the Elephant Butte Reservoir and the lower end of the Rio Grande project, both inclusive: *Provided, however*, That when the United States shall maintain and operate, through any of its agencies, an automatic gauging station at any of the points herein designated it shall not be necessary for the State within which said station is located to maintain a duplicate gauging station at such point whenever the records of such Government stations are available to the authorities of the several States.

"(e) The officials in charge of all of the gauging stations herein provided for shall exchange records and data obtained at such stations for monthly periods through the operation thereof, or at such other intervals as they may jointly determine, and said officials shall provide for check ratings and such other hydrographic work at the designated stations as may be necessary for the accuracy of the records obtained at such stations and to that end may establish rules and regulations from time to time.

"ARTICLE IV

"The State engineer of Colorado, the State engineer of New Mexico, and such officer of Texas as the governor thereof may designate shall constitute a committee which may employ such engineering and clerical aid as may be authorized by the respective State legislatures, and the jurisdiction of the committee shall extend only to the ascertainment of the flow of the river and to the prevention of waste of water, and to findings of fact reached only by unanimous agreement. It shall communicate its findings of fact to the officers of the respective States charged with the performance of duties under this compact. Its findings of fact shall not be conclusive in any court or other tribunal which may be called upon to interpret or enforce this compact. Annual reports compiled for each calendar year shall be made by the committee and transmitted to the governors of the signatory States on or before February 1 following the year covered by such report.

"ARTICLE V

"It is agreed that to and until the construction of the Closed Basin Drain and the State Line Reservoir herein described, but not subsequent to June 1, 1935, or such other date as the signatory States may hereafter fix by acts of their respective State legislatures, Colorado will not cause or suffer the water supply at the interstate gauging station to be impaired by new or increased diversions or storage within the limits of Colorado unless and until such depletion is offset by increase of drainage return.

"ARTICLE VI

"To the end that the maximum use of the waters of the Rio Grande may be made it is agreed that at such times as the State engineer of New Mexico, under the supervision and control of the committee, shall find that spill at Elephant Butte Dam is anticipated he shall forthwith give notice to Colorado and New Mexico of the estimated amount of such spill, and of the time at which water may be impounded or diverted

above San Marcial, and thereupon Colorado and New Mexico may use in equal portions the amount of such estimated spill so found by the State engineer of New Mexico; and on notice from the said State engineer of New Mexico that the period of said spill, or estimated spill, is terminated, Colorado and New Mexico shall desist from such increased use.

#### "ARTICLE VII

"(a) On or before the completion of the Closed Basin Drain and the State Line Reservoir, and in any event not later than June 1, 1935, a commission of three members shall be constituted, to which the governor of each of the signatory States shall appoint a commissioner, for the purpose of concluding a compact among the signatory States and providing for the equitable apportionment of the use of the waters of the Rio Grande among said States. The governors of said States shall request the President of the United States to name a representative to sit with said commission.

"(b) The commission so named shall equitably apportion the waters of the Rio Grande as of conditions obtaining on the river and within the Rio Grande Basin at the time of the signing of this compact, and no advantage or right shall accrue or be asserted by reason of construction of works, reclamation of land, or other change in conditions or in use of water within the Rio Grande Basin or the Closed Basin during the time intervening between the signing of this compact and the concluding of such subsequent compact to the end that the rights and equities of each State may be preserved unimpaired: *Provided, however*, That Colorado shall not be denied the right to divert, store, and/or use water in additional amounts equivalent to the flow into the river from the drain from the Closed Basin.

"(c) Any compact concluded by said commission shall be of no force or effect until ratified by the legislature of each of the signatory States and approved by the Congress of the United States.

#### "ARTICLE VIII

"(a) Subject to the provisions of this article Colorado consents to the construction and use of a reservoir by the United States and/or New Mexico, and/or Texas, as the case may be, by the erection of a dam across the channel of the Rio Grande at a suitable point in the canyon below the lower State bridge, and grants to the United States and/or to said States, or to either thereof, the right to acquire by purchase, prescription, or to exercise of eminent domain such rights of way, easements, and/or lands as may be necessary or convenient for the construction, maintenance, and operation of said reservoir and the storage and release of waters.

"(b) Said reservoir shall be so constructed and operated that the storage and release of waters therefrom and the flowage of water over the spillway shall not impede or interfere with the operation, maintenance, and uninterrupted use of drainage works in the San Luis Valley in Colorado or with the flow and discharge of waters therefrom.

"(c) The construction and/or operation of said reservoir and the storage and regulation of flow of waters thereby for beneficial uses or otherwise shall not become the basis or hereafter give rise to any claim of appropriation of waters or of any prior, preferred, or superior right to the use of any such waters. The purpose of said reservoir shall be to store and regulate the flow of the river.

"(d) The United States, or the signatory States, as the case may be, shall control the storage and release of water from said reservoir and the management and operation thereof, subject to a compact between the signatory States.

"(e) Colorado reserves jurisdiction and control over said reservoir for game, fish, and all other purposes not herein relinquished.

"(f) Colorado waives rights of taxation of said reservoir and appurtenant structures and all lands by it occupied.

#### "ARTICLE IX

"Nothing in this compact shall be construed as affecting the obligations of the United States of America to the United States of Mexico, or to the Indian tribes, or as impairing the rights of the Indian tribes.

#### "ARTICLE X

"It is declared by the States signatory hereto to be the policy of all parties hereto to avoid waste of waters, and to that end the officials charged with the performance of duties hereunder shall use their utmost efforts to prevent wastage of waters.

#### "ARTICLE XI

"Subject to the provisions of this compact water of the Rio Grande or any of its tributaries may be impounded and used for the generation of power, but such impounding and use shall always be subservient to the use and consumption of such waters for domestic, municipal, and agricultural purposes. Water shall not be stored, detained, nor discharged so as to prevent or impair use for such dominant purposes.

#### "ARTICLE XII

"New Mexico agrees with Texas, with the understanding that prior vested rights above and below Elephant Butte Reservoir shall never be impaired hereby, that she will not cause or suffer the water supply of the Elephant Butte Reservoir to be impaired by new or increased diver-

sion or storage within the limits of New Mexico unless and until such depletion is offset by increase of drainage return.

#### "ARTICLE XIII

"The physical and other conditions characteristic of the Rio Grande and peculiar to the territory drained and served thereby, and to the development thereof, have actuated this compact, and none of the signatory States admits that any provision herein contained establishes any general principle or precedent applicable to other interstate streams.

#### "ARTICLE XIV

"This compact may be terminated or extended at any time by the unanimous legislative action of all of the signatory States, and in that event all rights established under it shall remain and continue unimpaired.

#### "ARTICLE XV

"Nothing herein contained shall prevent the adjustment or settlement of any claim or controversy between these States by direct legislative action of the interested States, nor shall anything herein contained be construed to limit the right of any State to invoke the jurisdiction of any court of competent jurisdiction for the protection of any right secured to such State by the provisions of this compact, or to enforce any provision thereof.

#### "ARTICLE XVI

"Nothing in this compact shall be considered or construed as recognizing, establishing, or fixing any status of the river or the accuracy of any data or records or the rights or equities of any of the signatories or as a recognition, acceptance, or acknowledgment of any plan or principle or of any claim or assertion made or advanced by either of the signatories or hereafter construed as in any manner establishing any principle or precedent as regards future equitable apportionment of the waters of the Rio Grande. The signatories agree that the plan herein adopted for administration of the waters of the Rio Grande is merely a temporary expedient to be applied during the period of time in this compact specified, is a compromise temporary in nature and shall have no other force or interpretation, and that the plan adopted as a basis therefor is not to be construed as in any manner establishing, acknowledging, or defining any status, condition, or principle at this or any other time.

#### "ARTICLE XVII

"The signatories consent and agree to the extension of time for construction of reservoirs on sites covered by approved applications during the time of this compact and for a reasonable time thereafter.

#### "ARTICLE XVIII

"This compact shall become operative when approved by the legislature of each of the signatory States and by the Congress of the United States. Notice of approval shall be given by the governor of each State to the governors of the other States and to the President of the United States, and the President of the United States is requested to give notice to the governors of each of the signatory States of its approval by the Congress of the United States.

"In witness whereof, the commissioners have signed this compact in quadruplicate original, one of which shall be deposited in the archives of the Department of State of the United States of America and shall be deemed the authoritative original, and of which a duly certified copy shall be forwarded to the governor of each of the signatory States.

"Done at the city of Santa Fe, in the State of New Mexico, on the 12th day of February, A. D. 1929.

"DELPH E. CARPENTER.

"FRANCIS C. WILSON.

"T. H. MCGREGOR.

"Approved.

"WILLIAM J. DONOVAN."

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### FORTY-FOUR-HOUR WEEK FOR CERTAIN GOVERNMENT EMPLOYEES

The next business on the Consent Calendar was the bill (S. 471) providing for a 44-hour week for certain Government employees.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Reserving the right to object, Mr. Speaker, in view of the statement made this afternoon by the majority floor leader [Mr. TILSON] to the effect that a survey is to be made as to the effect of such legislation on the public service, I shall feel obliged to object. But I will first ask unanimous consent that the bill go over without prejudice.

Mr. DALLINGER. Mr. Speaker, if the gentleman will withhold, I wish to make a statement in regard to the bill.

Mr. DYER. Will the gentleman state what the committee thinks it will cost?



Mr. CRAMTON. I do not believe we can expedite the transaction of business on the Consent Calendar by an extended discussion. I do know, by contact with the public service, that there are Federal agencies in the field where the conditions are out of the ordinary, and where the public service is not protected by this bill; agencies taking in the national forests, and the national parks, and possibly the Lighthouse Service, and Federal agencies at other remote places, and you propose to give employees a lay off on Saturday afternoon. I do not know who will take their places. I think those suggestions should be considered.

Mr. DALLINGER. The employees in the field service of the Department of the Interior are excepted, and we excepted the Postal Service because the Committee on Post Offices and Post Roads has always exercised jurisdiction over the pay and kindred matters pertaining to that service.

Mr. CRAMTON. The gentleman does not know how this will affect the lighthouse branch and other agencies?

Mr. LEHLBACH. We excepted those because we did not wish to affect the situation generally.

Mr. DALLINGER. The Civil Service Committee has always taken jurisdiction concerning the postal employees. This is a Senate bill, and this bill as it passed the Senate applied to all Government employees.

Mr. HOCH. Mr. Speaker, I have a wire here from one of the field employees of the Interior Department, which reads as follows:

PAWHUSKA, OKLA., May 27, 1930.

Congressman HOMER HOCH,  
Washington, D. C.:

Pawhuska local union No. 48 asks immediate consideration Senate half holiday bill 471, passed April 1 and approved by House committee, which excludes field employees Interior Department and threatens to take away from employees Reclamation and Indian Service Saturday half holiday they have had for some years by Executive order during summer months. There are no doubt employees in all departments of Government whose duties require they work Saturday afternoon some periods, and Interior Department is believed to be really no exception. We are anxious to secure modification to overcome objections of bureau heads Interior Department by giving Secretary of the Interior authority administer provision of bill so employees now having this privilege will be continued. We can see no reason why field employees of Interior Department should be discriminated against.

W. H. RUDEAUFF.

You will notice that he feels that it is necessary to protect them by an amendment. In view of the situation, I reserve the right to object.

Mr. DALLINGER. The gentleman from Idaho [Mr. SMITH], who was largely instrumental in having that exception of the field service of the Department of the Interior incorporated in the bill, has prepared an amendment which will meet the objections of the gentleman from Kansas.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

Mr. LaGUARDIA. The gentleman from Michigan has had his say, and he does it very well. But, slipping in edgewise, I simply want to say that the United States Government itself, through its Department of Labor, has recommended the Saturday half day off. We have fixed the time of service in the railroad bill. Every big industry in the country has had its half day off, and in view of the statements made this morning I do not see the necessity of a survey on this bill.

Mr. CRAMTON. I think, Mr. Speaker, in hard times it is inopportune to talk about giving those in the field the same conditions that we have in the departments here, where they work seven hours a day and have Saturday afternoon off, and take from an hour to three hours for lunch, and all that sort of thing. I would like to see the employees of the District of Columbia put on the same basis as those in the field and let the Government get a due return for their salaries.

Mr. DALLINGER. Mr. Speaker, I wish to call the attention of the gentleman from Michigan to the fact—he being a Member of the Committee on Appropriations—that the Comptroller General, who is about as hard-boiled, so far as expenditures go, as anybody, and also the Civil Service Commission have pointed out that there is no uniformity in the Government service with respect to the hours of service on Saturday. In fact, in some cities and towns the heads of Government offices, whether customhouses or post offices give their employees a half holiday on Saturday the same as other employers, whereas in other cities and towns the employees do not get the Saturday half holiday. Both the Civil Service Commission and the Comptroller General have recommended that Government employees, wherever they are, shall be given a half-day holiday on Saturday throughout the year.

I ask unanimous consent to revise and extend my remarks by putting in the RECORD my report on this bill, which contains copies of letters from the Civil Service Commission and from the Comptroller General.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The matter referred to follows:

[House Report No. 1498, Seventy-first Congress, second session]

#### SATURDAY HALF HOLIDAYS FOR CERTAIN GOVERNMENT EMPLOYEES

Mr. DALLINGER, from the Committee on the Civil Service, submitted the following report (to accompany S. 471):

The Committee on the Civil Service, to whom was referred the bill S. 471, having considered the same, report favorably thereon with a recommendation that the bill as amended be passed. The amendments are as follows:

Amend the title so as to read: "A bill providing for Saturday half holidays for certain Government employees."

Strike out all of line 7 after the word "all," line 8, and line 9 to and including the word "Government" in line 10, and insert in lieu thereof the following: "civil employees of the Federal Government and the District of Columbia, exclusive of employees of the Postal Service, employees of the Panama Canal on the Isthmus, and employees of the Interior Department in the field," so that the bill will read as follows:

"Be it enacted, etc., That on and after the effective date of this act four hours, exclusive of time for luncheon, shall constitute a day's work on Saturdays throughout the year, with pay or earnings for the day the same as on other days when full time is worked, for all civil employees of the Federal Government and the District of Columbia, exclusive of employees of the Postal Service, employees of the Panama Canal on the Isthmus, and employees of the Interior Department in the field, whether on the hourly, per diem, per annum, piece work, or other basis: *Provided*, That in all cases where for special public reasons, to be determined by the head of the department or establishment having supervision or control of such employees, the services of such employees can not be spared, such employees shall be entitled to an equal shortening of the workday on some other day: *Provided further*, That the provisions of this act shall not deprive employees of any leave or holidays with pay to which they may now be entitled under existing laws."

This bill, if enacted, will establish a 4-hour workday on Saturday throughout the year, without loss of pay, for all civil employees of the Federal Government and the District of Columbia, except those employed in the Postal Service, those in the field service of the Department of the Interior, and employees of the Panama Canal on the Isthmus, practically all of whom are working under the provisions of the 8-hour law.

Employees of the Postal Service have been excluded from the provisions of the bill for the reason that the Committee on Post Offices and Post Roads has already reported a similar bill applying to all postal employees, which is on the Union Calendar. The field service of the Department of the Interior was excluded by the committee on account of the objections made by the Chiefs of Bureaus of Reclamation, Forestry, and National Parks, and the Indian Bureau, the field services of the three latter bureaus being very largely composed of temporary employees during the summer vacation period. The Panama Canal employees on the Isthmus were excluded because the committee felt that this service has other compensating advantages, and that the conditions of employment can be regulated by the Secretary of War under authority of the President without congressional enactment.

Employees of the Government Printing Office are included in the provisions of the bill, although legislation affecting this branch of the Government service does not ordinarily come before the Committee on the Civil Service. This action was taken in view of a statement made under date of February 11, 1930, by the Public Printer to S. M. Lee, clerk of the Committee on Printing of the United States Senate, which read in part as follows:

"I respectfully recommend that your committee propose an amendment to the Jones bill (S. 471), which is now on the Senate Calendar (No. 70), striking out the words 'and the Government Printing Office' from line 9, page 1, of the bill. The elimination of those words would make the Jones bill, providing for a 44-hour week, applicable to the Government Printing Office as well as to other Government employees."

The United States Civil Service Commission, to which a number of House bills granting Saturday half holidays to different groups of Government employees were referred for comment, stated, through its secretary, Mr. John T. Doyle, in a letter to Hon. FREDERICK R. LEHLBACH, chairman of the House Committee on the Civil Service, that—

"The commission desires to state with reference to these bills in general that in the larger cities especially, in conformity with business usage in their localities, many, if not all, of the Federal establishments, in common with private business, observe the half-day holiday on Saturday afternoon. It is important to note that the District of Columbia Code provides that every Saturday after 12 o'clock noon shall be a holiday in the District for all purposes. Under an Executive order of May 9, 1927, from the first Saturday of June to the last Saturday of September, both inclusive, of each year, four hours, exclusive of time



for luncheon, constitutes a day's work on Saturdays for all clerks and other employees of the Federal Government. The order permits exceptions to be made by the head of the department or establishment where the practice authorized is inconsistent with the provisions of existing law.

"It will be seen that there is thus an inconsistency of practice between the field and the departmental services, since the Government for only four months of the year follows the customs of banks and business houses in closing on Saturday afternoons.

"By statute the departments properly have the right to require employees to serve additional hours or on holidays when necessary.

"The legislation proposed is in general in keeping with the trend in outside business and the commission favors conformity with the code in this matter. Reference is made to the comment by the Reclassification Commission on March 12, 1920, in House Document No. 686, Sixty-sixth Congress, second session, entitled 'Report of the Congressional Joint Commission on Reclassification of Salaries,' on page 92, where it is stated that as contrasted with the Government's policy regarding leave of absence 'many progressive employers in the business and industrial world, especially in the larger cities, grant their office employees two weeks' vacation and every Saturday afternoon with pay.'

"It is believed legislation of the kind proposed should affect all classes of Federal employees alike, and no particular class or group should be favored unless for administrative reasons."

The Comptroller General also favors the proposed legislation. In a letter to Chairman LEHLBACH, of the Civil Service Committee, under date of May 16, 1930, he writes:

"In view of the lack of uniformity and because of the long-existing practice of the executives of requiring a full day's work on Saturdays except during the summer months, it would no doubt avoid much confusion and complaint if the matter should be covered by specific legislation \* \* \*. As the administrative head of the General Accounting Office, I would favor the granting of Saturday half holidays to all Federal employees where services may be spared, which would be in harmony with the trend of employment policies in the commercial world."

The language of the bill in question follows in a general way the Executive order issued by the President on May 9, 1927, which grants a 4-hour work day on Saturday for four months of the year, and which permits full pay for all those employees whose services can be spared. The Executive order above mentioned, however, does not provide compensating time off on any other day of the week in the few exceptional cases where the services of employees can not be spared on Saturday. These employees, under the terms of the proposed bill, would be entitled to a shortening of the work day on some other day of the week, which, of course, would be determined by the head of the department or bureau in which they work.

By enacting this legislation, therefore, Congress will not be establishing a new practice but will merely be keeping pace with developments that have been going on in private industry for some time.

The cost to the Government of the proposed legislation can not very well be estimated, since it does not involve a direct cost and may or may not reduce the quantity of work performed. In private business the experience has been that it has not materially reduced the output. Moreover, there is no evidence that the granting of Saturday half holidays to the Government employees of the District of Columbia four months of the year has resulted in any increased cost to the Government.

Mr. DYER. Will the gentleman yield?

Mr. DALLINGER. I yield.

Mr. DYER. What report does the gentleman intend to put in?

Mr. DALLINGER. It is the report on this bill.

Mr. DYER. From whom?

Mr. DALLINGER. From the Civil Service Committee, and it contains copies of letters from the Civil Service Commission and from the Comptroller General.

Mr. DYER. And the report is favorable, is it not?

Mr. DALLINGER. Certainly.

Mr. DYER. And the bill ought to be passed.

Mr. DALLINGER. That is what I think, and I think the Federal Government ought to set an example in these matters instead of lagging behind private industry. [Applause.]

Mr. CRAMTON. Will the gentleman yield?

Mr. BEEDY. Will the gentleman yield?

Mr. CRAMTON. It is time the gentleman yielded to me if he wants the bill discussed.

Mr. LA GUARDIA. I think I have the floor, because I reserved the right to object, and I yield to the gentleman from Maine [Mr. BEEDY].

Mr. CRAMTON. I want to ask the gentleman from Massachusetts—

Mr. BEEDY. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state the point of order.

Mr. BEEDY. The gentleman from New York has the floor and yielded to me.

Mr. CRAMTON. Mr. Speaker, I object.

#### BRIDGES WITHIN THE STATE OF KENTUCKY

Mr. DENISON. Mr. Speaker, out of order, I ask unanimous consent for the immediate consideration of the bill (S. 4269) authorizing the Commonwealth of Kentucky, by and through the State Highway Commission of Kentucky, or the successors of said commission, to acquire, construct, maintain, and operate bridges within Kentucky and/or across boundary-line streams of Kentucky.

This is No. 663 on the Consent Calendar, and is an emergency matter, Mr. Speaker. It is a bill authorizing the State Highway Commission of Kentucky to acquire, construct, and maintain bridges, and I am asking this at the request of the officials of the State of Kentucky and several Members of the House from that State.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. DENISON. Mr. Speaker, I may state that the State of Kentucky is undertaking a bridge-building program which will involve the expenditure of some \$20,000,000. They want to begin operations immediately, and they are only awaiting the enactment of this legislation. It is very important that the bill be passed at the earliest possible date, so I am asking to take this bill up now.

Mr. JENKINS. Reserving the right to object, what effect will this have on interstate rivers? Does this bill in its provisions cover the Ohio River?

Mr. DENISON. Yes.

Mr. THATCHER. But it does not group the interstate bridges with the intrastate bridges.

Mr. JENKINS. Then how could it affect the Ohio River?

Mr. LA GUARDIA. I will say that I have this bill marked "O. K."

Mr. JENKINS. What effect will this have on any concern who wanted to build a bridge across the Ohio River from Kentucky into Ohio?

Mr. DENISON. It will not have any effect.

Mr. THATCHER. But the tolls charged on that bridge would be used to pay for its construction alone, and would not be applied to the building of any other bridge. The bill only permits the grouping of intrastate bridges for the purpose of giving credit on the tolls which the State highway commission would collect until the bridges are paid for within the State, and then the bridges become free.

Mr. JENKINS. If it only applies to intrastate bridges, then it does not deal with interstate bridges? A bridge across the Ohio River would be interstate?

Mr. DENISON. And the bill authorizes the Highway Commission of Kentucky to build several interstate bridges over the Ohio River.

Mr. JENKINS. I understood the gentleman from Kentucky to say it applies to only intrastate bridges.

Mr. THATCHER. That is, as far as the grouping of tolls is concerned.

Mr. DYER. What is the emergency?

Mr. THATCHER. The bonds have to be validated. The Kentucky Court of Appeals will adjourn until fall within a few days. The bonds will have to be validated before the State highway commission can make any arrangements for the procurement of loans.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. DENISON. I yield.

Mr. SCHAFER of Wisconsin. Does this touch any bridges near the city of Evansville, Ind.?

Mr. DENISON. It does not.

Mr. SCHAFER of Wisconsin. I do not believe we should take up this bill out of order until all Members of Congress who may have an interest have an opportunity to be here. Many Members have no doubt left the Chamber, knowing that the bill could not be reached to-day in its regular order, and I shall therefore have to object to taking it up out of regular order until all Members of Congress who have an interest in the bill have an opportunity to be heard. I object to the request.

Mr. DYER. Mr. Speaker, regular order.

Mr. DENISON. Will the gentleman from Wisconsin [Mr. SCHAFER] withhold his objection?

Mr. SCHAFER of Wisconsin. I reserve the objection.

Mr. DENISON. I am asking this at the urgent request of the Highway Commission of Kentucky and the assistant attorney general of Kentucky, who talked to me over the long-distance telephone, and asked me to have the bill passed as soon as possible. Some of the Members of Congress from that State have asked that it be done. It is very important. It will enable them to begin at once on a program of bridge building which will involve the expenditure of something over \$20,000,000 and will aid conditions of unemployment in that State, and



will, I think, very much improve the highway system of Kentucky.

Mr. LAGUARDIA. And it is just the kind of a bill that some of us have been clamoring for all the time.

Mr. SCHAFFER of Wisconsin. Has the highway commission contacted every Member of Congress who may be interested in these bridges so that they would be able to be here and voice their objection if they desired to object to the bill?

Mr. LAGUARDIA. They are presumed to be here.

Mr. SCHAFFER of Wisconsin. I do not know whether they are or not. Members of Congress have to attend committee meetings, they have other governmental duties to perform, and they can not be on the floor of the House every minute of the day. I do not think a bill down at the foot of the Consent Calendar should be taken up this late in the day out of order, and I shall object until I am assured that other Members of Congress from States which may have an interest, have an opportunity to be here and voice their objection if they have any.

The regular order was demanded.

Mr. SCHAFFER of Wisconsin. I object.

#### BRIDGE ACROSS SULPHUR RIVER NEAR FORT LYNN, ARK.

Mr. DENISON. Mr. Speaker, I ask unanimous consent on behalf of the gentleman from Texas [Mr. SUMNERS] for the immediate consideration of the bill (H. R. 12663) granting the consent of Congress to the Texas & Pacific Railway Co. to reconstruct, maintain, and operate a railroad bridge across Sulphur River in the State of Arkansas near Fort Lynn. This involves a serious emergency.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DENISON. Mr. Speaker, this authorizes the Texas & Pacific Railway Co. to rebuild an existing bridge, which has become in such condition that it is unsafe to use for railroad purposes, and it is important that they be authorized to enter upon its reconstruction immediately.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the consent of Congress is hereby granted to the Texas & Pacific Railway Co., its successors and assigns, to reconstruct, maintain, and operate a railroad bridge and approaches thereto across the Sulphur River, near Fort Lynn, in the State of Arkansas, upon the location of the present bridge and in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the said Texas & Pacific Railway Co., its successors and assigns; and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Page 1, line 6, after the word "river," insert the words "at a point suitable to the interests of navigation, at or."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

#### FEDERAL FARM BOARD

Mr. BRAND of Georgia. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Federal Farm Board and to include therein two letters, one written to Mr. Legge, the chairman, and one in reply thereto.

The SPEAKER. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD on the Federal Farm Board. Is there objection?

There was no objection.

Mr. BRAND of Georgia. Mr. Speaker, under the leave to extend my remarks in the RECORD on the Federal Farm Board I include the following letters, one from me to Hon. Alexander

Legge, chairman of the board, of date March 19, 1930; his reply thereto, of date March 31, 1930; my reply to his letter of date June 6, 1930.

I am intensely gratified to know that the suggestion made to Mr. Legge in my letter of March 19, 1930, has been adopted by the board, at least so far as the present year is concerned.

MARCH 19, 1930.

Hon. ALEXANDER LEGGE,

*Chairman Federal Farm Board, Washington, D. C.*

MY DEAR MR. LEGGE: I notice from press reports that the Federal Farm Board has been purchasing wheat and storing the same in elevators or warehouses, using, of course, if this is true, the money appropriated by Congress for purposes set forth in the act creating the Federal Farm Board.

I will appreciate it if you will advise me how much wheat has been purchased, at what price, and how much of this Federal fund was used for making the purchases. Also, when you answer, advise me when and where the purchases were made and where the wheat is stored, and what effect it had upon the price of wheat.

If the board has thus gone into the market and made purchases of wheat as above indicated, I will thank you to give me your reasons for doing so.

When you reply, I will appreciate it if you will let me know, assuming that you have been purchasing wheat for the purpose of stabilizing or increasing the price of wheat, why it is that you have heretofore refused to enter the market and purchase cotton for the purpose of stimulating the price of cotton. If you have gone into the market and purchased wheat upon the idea that the price of wheat was too low and with a view to increase the price of wheat, which I take it was and is in the interest of the wheat farmer, why don't you adopt the same procedure in regard to the cotton farmer?

I will appreciate it if you will give me a prompt reply to this communication.

Very truly yours,

C. H. BRAND.

FEDERAL FARM BOARD,  
Washington, March 21, 1930.

Hon. C. H. BRAND,

*House of Representatives.*

DEAR MR. BRAND: Replying to your letter of March 19, I will say that it is true the Stabilization Corporation, set up under the provisions of the agricultural marketing act and borrowing money from this board, has purchased a substantial quantity of wheat in an effort to steady the price of that commodity, or, more correctly speaking, I might say "that and other agricultural commodities," in a time when the market seemed to be in a state of panic.

The circumstances leading up to this are rather peculiar. Wheat production in 1929 is admitted by all interested parties to have been over 500,000,000 bushels less than the preceding year, yet recently the price was 22 cents below that of the corresponding date a year ago—the lowest price, with two exceptions, which has occurred during the past 15 years, once following the panic of 1921 or 1922 and again about the end of May last year.

Perhaps if wheat alone had been involved it might not have justified the action taken, but you are doubtless familiar with the fact that prices of many commodities seem to go up and down with the market on wheat. Regardless of what the reason for this may be, this fact is pretty generally conceded by those familiar with the market trends.

We are not trying to inflate prices and I am hopeful that the panic in this commodity may be passing as so far this week the prices held steady without it being necessary for the Stabilization Corporation to do any buying.

The basic difference between wheat and cotton lies in the fact that at the time of the recent heavy slump in the prices of both there was less than 5 per cent of the 1929 crop of cotton in the hands of the farmers, while the estimate showed approximately 35 per cent of the wheat crop. You will recall that last fall there was a long time that wheat could not be shipped at the terminals because of congestion and railroad embargoes brought about by this congestion.

We have been able to reach the cotton growers pretty generally, however, through loans to their cooperatives and the cotton price has also taken a turn for the better in the last 10 days.

The Farm Board advances on wheat, at the present time, are approximately \$30,000,000, part in loans and part in purchased wheat, in addition to which there are some contracts for delivery in May. If you are interested in more detail I will try to run over and see you some day, as I would prefer to explain the details of the present positions to you in person rather than by letter.

Sincerely yours,

ALEX. LEGGE,  
*Chairman Federal Farm Board.*

JUNE 6, 1930.

Hon. ALEXANDER LEGGE,

*Chairman Federal Farm Board, Washington, D. C.*

MY DEAR MR. LEGGE: I regret that I have not heretofore acknowledged receipt of your letter in reply to mine in respect of the policy of the Federal Farm Board of purchasing cotton when there exists a surplus crop thereof. While I haven't the slightest disposition to quarrel with you or to be offensive to any extent, I feel constrained to question the accuracy of your position as set forth in your letter.

In my letter I asked the question as the board had theretofore been purchasing wheat, supposedly to stabilize and increase the price thereof to help the wheat farmer, why didn't the board go into the market and make purchases of cotton for the purpose of stabilizing its price in order to help the cotton farmer. I based this question, first, upon the fact that the board had been buying wheat because the price of it was low, manifestly for the purpose of increasing the price; second, because the price of cotton was low and below the cost of production; and third, because the statement credited to you by the press that it was not the intention of the board to purchase cotton.

In your letter you gave as a reason why the board did not intend to purchase cotton was due to the fact that there was less than 5 per cent of the 1929 crop of cotton in the hands of the farmers. According to my information this statement was inaccurate, because at the time it was made there was not only a larger amount of cotton than 5 per cent in the hands of the farmers, but there was a large amount of cotton belonging to them in the custody of the cooperative marketing associations, and also an additional amount of cotton belonging to the farmers in warehouses to which the banks of the country held title by reason of the fact that they had loaned farmers money with warehouse receipts as security. It was also generally understood that there was a surplus of the cotton crop of 1928.

Whether I am right or wrong relative to the amount of cotton in the hands of farmers of the crop of 1929 and the amount of cotton left over from the year 1928, it is true, according to information which I have obtained from the Census Bureau and the Agricultural Department, that there was on hand on March 31, 1930, 6,922,000 bales of cotton, the same being located, so far as it can be ascertained by these bureaus, as follows: 1,763,000 bales in mills and warehouses; 4,189,000 bales in public storage and compresses; and 970,000 bales on shipboard, on farms, and in transit.

I conclude therefore that the board, if it saw proper to do so, could have had the stabilizing corporation, provided for in the agricultural marketing act, to go into the market and purchase the surplus cotton of the crops of 1928 and 1929, which would have had the effect to increase the price thereof.

It appears to me that there exists an inconsistency in your statement that you did not buy cotton because there was less than 5 per cent of the 1929 crop in the hands of the farmers and the statement which you had previously made that it was not the purpose of the board to go into the market and buy cotton. This last statement was not based upon the reason that there was less than 5 per cent of the 1929 crop. Upon the contrary, there was no reason given whatever why the board would not under any circumstances purchase cotton.

This statement had a depressing effect upon the price of cotton, the same falling to a low figure, much less than the cost of production, and it has substantially maintained this low level ever since the statement was published.

The question at issue is this: Will the Federal Farm Board put into operation the stabilizing corporation created in the agricultural marketing act by going into the market and purchasing cotton if the board finds it to be a fact that there is a surplus crop of cotton in any given year?

This question is not only a material one for the future but I regard it as a material one now.

I contend when and if there is a surplus crop of cotton and it is selling in the markets of the world at a price lower than the cost of production, that it is the solemn duty of the board, as was done in the case of wheat, to go into the market and purchase this surplus crop of cotton and hold it until its price is stabilized and reaches the point which upon sale thereof will not only be sufficient to reimburse the farmers for the cost of production but give them a reasonable profit for producing the same. Nothing less than the adoption of such a policy will give substantial and satisfactory relief to the cotton producers of this country.

With regards, cordially yours,

C. H. BRAND.

## NATURALIZATION OF CERTAIN ALIENS

The next business on the Consent Calendar was the bill (H. R. 5627) relating to the naturalization of certain aliens.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PATTERSON. Mr. Speaker, I object.

Mr. BOYLAN. I hope the gentleman will not object. I think if he will read the bill he will not object.

Mr. PATTERSON. If the gentleman wants to take care of these fellows who wanted to get out of the Army—

Mr. LA GUARDIA. After the armistice; after it was all over. I resigned after the armistice, when everybody was breaking their necks to get out.

Mr. PATTERSON. These fellows were withdrawing their citizenship papers in order to get out of the Army.

Mr. LA GUARDIA. After the armistice.

Mrs. LANGLEY. Will the gentleman withhold his objection?

Mr. PATTERSON. I will.

Mrs. LANGLEY. This is a very meritorious measure. It passed the House at the last session without any controversy and has been reported by the Immigration Committee twice. It was drawn for the relief of one young man, a doctor of Swedish extraction. He was a friendly alien and could have avoided the draft. He was drafted but was turned down by the board because of physical disability. Afterwards he went to the War Department and waived this disability and was accepted. He served during the war, was injured, and in accepting his discharge inadvertently signed a paper which did not in fact apply to his case. The act of 1918 was passed for the purpose of covering those who attempted to evade military service, but this man did not try to evade military service, although he could have done so on account of physical defects. It is the only case on record.

Mr. PATTERSON. If the gentleman from Kentucky will answer one question for me, I can tell what I am going to do. This man withdrew his naturalization papers, or his first citizenship papers, for the purpose of getting out of the Army. I am going to object and I do object.

Mrs. LANGLEY. No; he served all during the war and this was three weeks after the armistice.

Mr. PATTERSON. I know it was after the armistice.

Mr. JENKINS. If the gentleman will permit, is not this the fact, that this man did not withdraw any of his papers until after he had served in the Army, and he withdrew his papers upon the advice of some Army authorities, who told him he could get out of the Army quicker if he withdrew his papers than if he waited for his regular discharge?

Mr. PATTERSON. That was the purpose of his withdrawal, was it not?

Mr. JENKINS. No; the war was over and he was waiting to be discharged. He had served during the war.

Mr. PATTERSON. Why did he not wait for his discharge in the regular way? I object, or ask that the bill be passed over without prejudice.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

## COAL AND ASPHALT DEPOSITS IN THE CHOCTAW AND CHICKASAW NATIONS, OKLAHOMA

The next business on the Consent Calendar was the bill (S. 4140) providing for the sale of the remainder of the coal and asphalt deposits in the segregated mineral land in the Choctaw and Chickasaw Nations, Oklahoma, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

Mr. HASTINGS. Will not the gentleman reserve his objection? I think I can explain the bill to his satisfaction in a minute.

Mr. BLANTON. Certainly.

Mr. HASTINGS. Mr. Speaker and gentlemen of the House, this is a bill which provides for the reappraisal and sale of the coal and asphalt deposits belonging to the Choctaws and Chickasaws in Oklahoma.

Mr. STAFFORD. Will the gentleman yield?

Mr. HASTINGS. I will ask the gentleman to wait just a moment.

Mr. STAFFORD. I think the gentleman is making a statement that is not borne out by the bill.

Mr. HASTINGS. The gentleman is mistaken. The Choctaws and Chickasaws made an agreement in 1897 for the allotment of their lands, withholding the coal and asphalt deposits. Subsequently, the surface of the lands was sold. Now, provision has been made by several acts of Congress for the disposition of these coal deposits.



They were appraised under authority of law under the direction of the Secretary of the Interior some 25 or 30 years ago. The coal and asphalt deposits have been offered for sale after being advertised thoroughly time after time, some tracts as many as three and perhaps some as many as five times.

All that this bill does is to authorize a reappraisal and a reoffering for sale of these deposits, and amends the existing law in some minor particulars, and this is in the interest of the Indians themselves. Leases on these lands are expiring and the revenue deriving from royalties on coal mined and sold is small.

Mr. BLANTON. Mr. Speaker, I withdraw my objection.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, will the gentleman yield with respect to his statement that this provides for a reappraisal? That is the difficulty I have with the bill. At this late hour, when we are about to adjourn, I do not wish to take up too much time, but this is a bill involving \$9,000,000, and I direct the gentleman's attention to the phraseology in line 7, page 2, which says—

To the highest bidder at not less than the appraised value heretofore fixed by the Secretary of the Interior under the provisions of the act of Congress approved February 22, 1921.

That was made many years ago.

Mr. HASTINGS. But there is a further provision in the bill providing for reappraisal. I call attention to the last paragraph of section 3.

Mr. STAFFORD. Then, again, in line 5, page 3, we find the language:

That where any tract of said coal and asphalt deposits has been heretofore or may be offered hereafter for sale.

I am unwilling that these lands that have been heretofore offered for sale many years ago shall be sold to the persons who made those bids at the appraised value of many years back. I am perfectly willing to have the lands reappraised.

Mr. HASTINGS. That is what the bill provides.

Mr. STAFFORD. I read the bill very carefully. Mr. Speaker, the hour is very late. Would it be agreeable to have the bill passed over and have it taken up for consideration first when the calendar is again considered?

Mr. HASTINGS. We may not reach the bill again on the calendar and this is really an emergency. It should be passed at the present session.

Mr. ARENTZ. If the gentleman will permit, the reason this bill was presented to the Indian Affairs Committee was to provide for reappraisal. Under the ruling of the attorneys of the Interior Department, it was specifically stated that the lands that had been sold had come back to the Federal Government and could not be sold again. This provides for a reappraisal.

Mr. STAFFORD. The report bears out my construction of the language. If the gentleman from Oklahoma is willing to agree to certain amendments, I will not press the objection. The first amendment is, in line 7, page 2, to strike out the committee amendment, "heretofore fixed by the Secretary of the Interior under the provisions of the act of Congress approved February 22, 1921 (41 Stat. 1107)" and insert in lieu thereof "at not less than the appraised value to be hereafter made."

Then the other suggested amendment is on page 3, line 5, strike out the words "has been heretofore or" and the word "hereafter" and substitute for the word "was," in line 7, the word "is," so that it will read "that where any tract of said coal and asphalt deposits may be offered for sale at two or more public auctions, after due advertisement and no sale thereof is made," and so forth.

Strike out the committee amendment in line 15 and insert in lieu thereof "as provided herein."

In line 7, page 4, strike out the clause "or shall pay."

Mr. HASTINGS. I have not been able to analyze the language, but I am willing that the amendments may be offered. If they only provide for reappraisal and resale, that is all right. That is the main purpose of the bill. We expect that to be done under the direction of the Secretary of the Interior. Do the amendments provide for that?

Mr. STAFFORD. The amendments I propose will reestablish this land in the same status it had when the land was formerly offered for sale.

Mr. HASTINGS. Very well, let the gentleman offer the amendments. If they only provide for reappraisal and resale, I have no objection.

Mr. STAFFORD. With that understanding, I have no objection.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Interior is hereby authorized to sell the remainder of the coal and asphalt deposits in the segregated mineral land in the Choctaw and Chickasaw Nations, Oklahoma, and belonging to said Indian nations, the sales to be made under such rules, regulations, terms, and conditions as the Secretary of the Interior may prescribe not inconsistent with this act.

SEC. 2. That said coal and asphalt deposits shall be offered for sale in tracts to conform to the descriptions of the legal subdivisions heretofore designated by the Secretary of the Interior, and except as otherwise herein provided the sales of the tracts shall be at public auction, after due advertisement, to the highest bidder at not less than the appraised value: *Provided, however,* That in the discretion of the Secretary of the Interior, the tracts may be offered together as a whole and sold to the highest bidder for the aggregate at not less than the total appraised value, or any two or more of the tracts may be offered together and sold to the highest bidder for the block at not less than the aggregate appraised value of the tracts constituting such block: *And provided further,* That no limitation shall be placed upon the number of tracts any person, company, or corporation may acquire hereunder.

With the following committee amendment:

Page 2, line 7, after the word "value," insert the words "heretofore fixed by the Secretary of the Interior under the provisions of the act of Congress approved February 22, 1921 (41 Stat. 1107)".

Mr. STAFFORD. Mr. Speaker, I offer an amendment for the first committee amendment, striking out the committee amendment in lines 7 to 9 and inserting in lieu thereof the words "to be hereinafter made."

Mr. HASTINGS. I think that is all right. I have no objection to that amendment.

The SPEAKER. The gentleman from Wisconsin offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Page 2, line 7, strike out the committee amendment and insert, after the word "value," the words "to be hereinafter made."

The amendment was agreed to.

The committee amendment, as amended, was agreed to.

The Clerk read the second committee amendment:

Page 2, line 18, after the word "hereunder," insert: "*And provided further,* That in the event any sale of any tract or tracts of coal and asphalt deposits made hereunder or under the act of February 8, 1918 (40 Stat. L. 433), or under the act of February 22, 1921 (41 Stat. L. 1107), be canceled by the Secretary of the Interior and all rights of the purchaser at such sale be declared forfeited as to said tracts, such tracts may again be offered and sold by the Secretary of the Interior as provided herein until all such tracts finally shall have passed into private ownership."

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 3. That where any tract of said coal and asphalt deposits has been heretofore or may be offered hereafter for sale at two or more public auctions after due advertisement and no sale thereof was made, the Secretary of the Interior may, in his discretion and under such rules and regulations and on such terms and conditions as he may prescribe, sell such tract at either public auction or by private sale at not less than the appraised value: *Provided, however,* That the Secretary of the Interior may, in cases where the tracts remain unsold and the facts are found to justify, cause reappraisements to be made of such tracts and reoffer and sell such tracts either at public auction or private sale, at not less than the reappraised value.

With the following committee amendment:

Page 3, line 5, after the word "been," insert the word "heretofore," and after the word "offered," insert the word "hereafter."

Mr. STAFFORD. Mr. Speaker, I offer a substitute for the committee amendment to strike out the words "has been heretofore or," and also strike out the word "hereafter," in the same line.

The SPEAKER. The gentleman from Wisconsin offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. STAFFORD: Page 3, line 5, after the word "deposits" strike out the words "has been heretofore or," and the word "hereafter" in the same line.

The amendment was agreed to.

The committee amendment as amended was agreed to.  
The Clerk read the second committee amendment:

Page 3, line 15, after the word "tracts" insert the words "either at public auction or private sale."

Mr. STAFFORD. Mr. Speaker, I offer an amendment striking out the words "either at public auction or private sale" and inserting in lieu thereof "as provided herein."

The SPEAKER. The gentleman from Wisconsin offers an amendment to the committee amendment which the Clerk will report.

The Clerk read as follows:

Amendment to the committee amendment by Mr. STAFFORD: Page 3, line 15, after the word "tracts" strike out the words "either at public auction or private sale," and insert in lieu thereof the words "as provided herein."

The amendment was agreed to.

The committee amendment, as amended, was agreed to.

Mr. STAFFORD. Mr. Speaker, I offer an amendment. Page 3, line 7, strike out the word "was" and insert in lieu thereof the word "is."

The SPEAKER. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Page 3, line 7, strike out the word "was" and insert the word "is."

The amendment was agreed to.

The Clerk read as follows:

SEC. 4. That when the full purchase price for any property sold hereunder is paid, the principal chief of the Choctaw Nation and the governor of the Chickasaw Nation shall join in executing to the purchaser an appropriate patent conveying to the purchaser the property so sold, said patent to be subject to approval of the Secretary of the Interior.

SEC. 5. That in cases where tracts of the coal and asphalt deposits belonging to the Choctaw and Chickasaw Nations have been sold subsequent to June 30, 1925, and prior hereto, under and in accordance with, or purporting to be under and in accordance with the act of February 8, 1918 (40 Stat. L. 433), and the act of February 22, 1921 (41 Stat. L. 1107), and said sales have been approved by the Secretary of the Interior and the purchaser has paid or shall pay the full purchase price, the patents executed by the principal chief of the Choctaw Nation and governor of the Chickasaw Nation and approved by the Secretary of the Interior, conveying to the purchasers the tracts purchased and paid for by said purchasers, are hereby confirmed, approved, and declared valid.

Mr. STAFFORD. Mr. Speaker, I offer an amendment. Page 4, line 7, strike out the words "or shall pay."

The amendment was agreed to.

Mr. CARTWRIGHT. Mr. Speaker, I introduced this bill in the House, although it is not the bill that I have been advocating. It authorizes the Secretary of the Interior to offer this coal land for sale in whole or parts at public auction at two or more sales for not less than the appraisement fixed by the Secretary of the Interior under the provisions of the act of Congress, February 22, 1921, and any unsold tracts he may, at his discretion, "sell at either public or private sale at not less than the appraised value."

This bill does two things: First, in cases which are constantly arising where the coal is about worked out and an adjoining tract could be worked out through the old workings there would be a purchaser who could pay a fair price for this particular piece of coal. By such sales a considerable sum could be realized each year. Second, and the best part of it, is that it says, in substance, the way is open to find a purchaser for the whole deposit, while heretofore the Government and the Indians, under the law, could only sell it in parts.

With these two things in mind I introduced this bill. I realize, however, that coal can not compete with oil and gas for fuel, and I do not believe a purchaser can be found willing to purchase and hold this entire property, awaiting the termination of cheap oil and gas. Therefore the situation will be left largely in the same old condition, and I regret to say this is not a healthy situation for these lands to be in.

Mr. Speaker, this bill is all right so far as it goes, but it does not go far enough. I sincerely hope that by next session the Congress will see fit to go all the way and pass my other bill, H. R. 2901, which provides for the sale to the Government of these lands, the proceeds to be distributed in per capita payments. This is what I have been working for ever since I came to Congress, and will never give up my fight until it is passed, or I myself pass out. The Choctaws and Chickasaws have suffered great damage, and the businesslike and sensible thing, in my opinion, would be for the Federal Government to take over their coal lands as provided in my bill, H. R. 2901. From every angle I view the coal proposition, the Federal Gov-

ernment should be in a position to administer these deposits as coal lands already owned by the Government in the Western States are being administered.

The happy solution of the problem for the future, and to my mind the only practical way to settle it, would be for the Government to purchase these lands from the tribes at a fair and reasonable price and have it understood that a portion of the purchase price would be in settlement of this claim for loss due to shrinkage in value, which the Indian tribes would not have suffered had the Government lived up to its agreement to sell these lands, according to the supplemental agreement of 1902, and distribute the proceeds in per capita payments. Congress should have made some disposition of these lands long ago.

I am glad to say that some progress has been made toward the closing out of the tribal affairs, but to us who are really interested it seems mighty slow. The Choctaw and Chickasaw tribal coal property is valued at \$9,254,829. Before a final settlement can be made this property must be sold and the funds derived therefrom must be distributed per capita and the pending suits of said nations in the United States Court of Claims must be closed.

As I said in the beginning, the bill under consideration is not what I want, but it is about the best thing I can get, under the circumstances, at the present time.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

#### AMENDING THE ACT AUTHORIZING THE SECRETARY OF THE INTERIOR TO CLASSIFY AND APPRAISE UNALLOTTED INDIAN LANDS

The next business on the Consent Calendar was the bill (H. R. 10425) to amend the act of June 6, 1912 (37 Stat. L. 125; U. S. C., title 25, sec. 425), entitled "An act authorizing the Secretary of the Interior to classify and appraise unallotted Indian lands."

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the act of June 6, 1912, (37 Stat. L. 125; U. S. C., title 25, sec. 425), entitled "An act authorizing the Secretary of the Interior to classify and appraise unallotted Indian lands," be, and is hereby, amended by adding the following:

"SEC. 2. That the Secretary of the Interior is hereby authorized to certify to the Secretary of the Treasury the difference between the amounts paid as purchase money and interest by entrymen of any Indian lands opened to settlement and entry and the purchase money and interest which should have been paid at the price fixed as result of reappraisal by the Secretary of the Interior, in all cases whether patents had or had not issued at the time of the reappraisal: *Provided*, The entryman or his legal representatives apply for reappraisal of the land or repayment of such amounts within two years from issuance of patent.

"SEC. 3. That in all cases where it shall appear to the satisfaction of the Secretary of the Interior that any person has heretofore or shall hereafter make any payments to the United States in connection with such entries, or purchases, of Indian lands in excess of the amount he was lawfully required to pay, such excess shall be repaid to such person or to his legal representatives: *Provided*, That the entryman or his legal representatives apply for repayment of such amounts within two years from issuance of patent.

"SEC. 4. That when the Commissioner of the General Land Office shall ascertain the amount due in any case where repayment is authorized by this statute, the Secretary of the Interior shall certify such amounts to the Secretary of the Treasury, who is hereby authorized and directed to make payment of such amounts so certified out of the funds held in trust for the particular Indian tribe affected."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

#### ADDITION OF CERTAIN LANDS TO ROCKY MOUNTAIN NATIONAL PARK, COLO.

The next business on the Consent Calendar was the bill (H. R. 11784) to provide for the addition of certain lands to the Rocky Mountain National Park, in the State of Colorado.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the President of the United States is hereby authorized, upon the joint recommendation of the Secretaries of the Interior and of Agriculture, to add to the Rocky Mountain National Park, in the State of Colorado, by Executive proclamation any or all of the following-described lands, to wit:

Sections 5 and 6, township 3 north, range 75 west.



All of section 3 except the northeast quarter northeast quarter; all of section 4; north half, north half southeast quarter, southwest quarter southeast quarter section 5; north half, northwest quarter southwest quarter section 9; north half, northeast quarter southwest quarter, southeast quarter section 10; northeast quarter, north half southeast quarter section 15, in township 4 north, range 73 west.

North half, southwest quarter, northwest quarter southeast quarter section 17; south half southwest quarter, southwest quarter southeast quarter section 21; south half northeast quarter, southeast quarter northwest quarter, south half section 28; all of section 29 except northeast quarter northeast quarter; east half section 32; all of section 33; southwest quarter northeast quarter, northwest quarter northwest quarter, south half northwest quarter, southwest quarter, west half southeast quarter, southeast quarter southeast quarter section 34, in township 5 north, range 73 west.

All of sections 6, 7, and 18; that portion of section 19 lying outside of park boundary, in township 5 north, range 75 west.

All of sections 1, 2, 11, 12, 13, 14, and 24; those portions of sections 3, 10, and 15 lying east of the Continental Divide; those portions of sections 15, 22, and 23 lying on the eastern slopes of Mount Nimbus and Baker Mountain, in township 5 north, range 76 west.

All of sections 19, 30, and 31; that portion of section 20 lying outside of the park boundary and south of the boundary line between Larimer and Grand Counties; that part of section 18 lying south of the boundary line between Larimer and Grand Counties and the Continental Divide, in township 6 north, range 75 west.

All of sections 25, 26, 35, and 36; those portions of sections 13, 22, 23, 24, 27, and 34 lying east of the Continental Divide, in township 6 north, range 76 west; and all the lands added to said park pursuant hereto shall be, and are hereby, made subject to all laws, rules, and regulations applicable to and in force in the Rocky Mountain National Park.

SEC. 2. That nothing herein contained shall affect any valid existing claim, location, or entry under the land laws of the United States, whether for homestead, mineral, rights of way, or any other purposes whatsoever, or any water rights and rights of way connected therewith, including existing conduits and ditches, or shall affect the right of any such claimant, locator, or entryman to the full use and enjoyment of his land.

With the following committee amendments:

Page 1, line 4, after the word "upon," insert the following: "the recommendation of the Secretary of the Interior, and with respect to lands located in a national forest upon."

Page 2, line 8, strike out the number "21" and substitute the number "20" in lieu thereof.

Page 2, line 19, after the number "14" and before the word "and," insert the number "23."

Page 2, line 20, after the number "3" and before the number "10," insert the word "and," and strike out the word and number "and 15" after the number "10."

Page 2, lines 21 and 22, strike out entire lines and substitute in lieu thereof the following: "Divide; that portion of section 15 lying east of the Continental Divide and on the eastern slope of Mount Nimbus; and that portion of section 22 lying on the eastern slope of Baker Mountain."

Page 3, line 2, strike out the word "section" and insert "sections 17 and."

Page 3, line 3, after the word "Divide," insert the following: "and that part of section 29 lying outside the park boundary."

Page 3, line 12, strike out all of section 2 and insert in lieu thereof the following:

"SEC. 2. That nothing herein contained shall affect any vested and accrued rights of ownership of lands or any valid existing claim, location, or entry existing under the land laws of the United States at the date of passage of this act, whether for homestead, mineral, rights of way, or other other purposes whatsoever, or any water rights and/or rights of way connected therewith, including reservoirs, conduits, and ditches, as may be recognized by local customs, laws, and decisions of courts, or shall affect the right of any such owner, claimant, locator, or entryman to the full use and enjoyment of his land."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

Mr. DENISON. Mr. Speaker, I ask unanimous consent to return to the bill (S. 4269) authorizing the Commonwealth of Kentucky, by and through the State Highway Commission of Kentucky, or the successors of said commission, to acquire, construct, maintain, and operate bridges within Kentucky and/or across boundary line streams of Kentucky.

I understand the gentleman from Wisconsin has withdrawn his objection.

Mr. SCHAFER of Wisconsin. With the understanding that the gentleman will not make a motion to reconsider so that I

can interview my colleagues whom I am attempting to protect while they were busy at other work.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That in order to promote interstate commerce, improve the Postal Service, and more adequately provide for military and other purposes the Commonwealth of Kentucky, by and through the State Highway Commission of Kentucky, or the successors of said commission, be, and it hereby is, authorized to construct, maintain, and operate any or all of the following bridges and approaches thereto, at points suitable to the interests of navigation, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and acts amendatory and supplemental thereto, and subject to the conditions and limitations contained in this act:

A bridge across the Ohio River at or near Maysville; a bridge across the Ohio River at or near Ashland; a bridge across the Ohio River at or near Carrollton; a bridge across the Tennessee River at or near Eggners Ferry; a bridge across the Tennessee River near Paducah; a bridge across the South Fork of the Cumberland River at or near Burnside; a bridge across the North Fork of the Cumberland River at or near Burnside; a bridge across Cumberland River at or near Smithland; a bridge across Cumberland River at or near Canton; a bridge across Cumberland River at or near Burkesville; a bridge across the Kentucky River at or near Tyrone; a bridge across the Kentucky River at or near High Bridge; a bridge across the Kentucky River at or near Boonesboro; a bridge across the Kentucky River at or near Gratz; a bridge across the Green River at or near Brownsville; a bridge across the Green River at or near Rockport; a bridge across the Green River at or near Morgantown; and a bridge across Green River at or near Spottsville.

Said Commonwealth of Kentucky, by and through the State Highway Commission of Kentucky, or the successors of said commission, is hereby authorized to acquire any or all of the following bridges and approaches thereto and thereafter to maintain and operate same as toll bridges:

A bridge across the Ohio River at or near Milton; a bridge across the Ohio River at or near Paducah; a bridge across the Kentucky River at or near Carrollton; and a bridge across Green River at or near Calhoun.

SEC. 2. There is hereby conferred upon the Commonwealth of Kentucky and the State Highway Commission of Kentucky, or the successors of said commission, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, and/or operation of any and/or all such bridges and their approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in condemnation or expropriation of property for public purposes in such State.

SEC. 3. The Commonwealth of Kentucky, by and through the State Highway Commission of Kentucky, or the successors of said commission, is hereby authorized to fix and charge tolls for transit over any and/or all such bridges, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. The Commonwealth of Kentucky, by and through the State Highway Commission of Kentucky, or its successors, may unite or group all or such of said bridges into one or more separate projects for financing purposes, as in its or their judgment shall be deemed practicable to so unite or group. If tolls are charged for the use of a bridge or bridges in a project, the rates of toll to be charged for the use of such bridge or bridges embraced in the particular project shall be so adjusted as to provide a fund not to exceed an amount sufficient to pay the reasonable costs of maintaining, repairing, and operating the bridge or all of the bridges included in the particular project and their approaches under economical management, and not to exceed an amount sufficient, in addition to the foregoing, to provide a sinking fund sufficient to amortize the aggregate cost of the bridge or all of the bridges embraced in the particular project, and their approaches, including reasonable interests and financing costs, as soon as possible under reasonable charges, but within a period not exceeding 20 years from the date of approval of this act. The tolls derived from the bridge or bridges embraced in any particular project may be continued and paid into the appropriate sinking fund until all such costs of the bridges embraced in the particular project shall have been amortized. In any event tolls shall be charged on the basis aforesaid for transit over the bridge or bridges in each project for which revenue bonds of said Commonwealth are issued, and such tolls shall be continued and adjusted at such rates as may be necessary to pay such bonds with interest thereon and any lawful premium for the retirement thereof before maturity, subject only to the power of the Secretary of War or other authorized Federal authority to regulate such rates.

If the State Highway Commission of Kentucky, or its successors, shall in the exercise of its or their judgment deem it inexpedient or impracticable to construct or acquire any one or more of such bridges, or to unite or group any one or more with another or others for financing purposes, then the failure of the Commonwealth of Kentucky, acting by and through the State Highway Commission of Kentucky, or its successors, to construct or acquire any one or more of such bridges, or failure to unite or group any one or more with another or others for financing purposes, shall in no wise affect its authority or powers granted by this act as to such bridge or bridges or the remainder of such bridges which it may so construct, acquire, unite, or group, and operate.

After a sinking fund sufficient to amortize the cost of the bridge or bridges in any particular project shall have been provided to the extent hereinabove required, the bridge or bridges included in such project shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of such bridge or bridges embraced in the particular project and their approaches under economical management. An accurate record of the cost of the bridge or bridges in a project and their approaches, the expenditures for maintaining, repairing, and operating same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested. Tolls shall be uniform as between individuals and as between vehicles of the same class using any one of the bridges, but different rates of toll may be charged for the use of different bridges.

SEC. 5. The authority and powers conferred by this act are supplementary and additional to all other authority and powers heretofore granted by law in relation to such bridges and tolls for transit thereover, and such authority or powers as to any one or more of such bridges may be exercised either under the authority and provisions of this act or under the authority and provisions of any other law relating thereto; and nothing in this act shall be construed as requiring tolls to be charged for the use of any one or more of such bridges, except as hereinabove provided, and nothing herein shall be construed to prohibit the Commonwealth of Kentucky, acting by and through the State Highway Commission of Kentucky, or its successors, from paying all or any part of the cost of any one or more of such bridges and their approaches from the State road fund, or from paying all or any part of the cost of maintenance, repair, or operation of any one or more of such bridges from the State road fund of the Commonwealth of Kentucky.

SEC. 6. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 2, line 9, after the word "Ashland," insert "a bridge across the Ohio River at or near a point opposite Cairo, Ill."

Page 4, line 11, after the word "bridges," insert "excepting and excluding interstate bridges."

Page 6, line 8, after the word "tolls," strike out the words "or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of such bridge or bridges embraced in the particular projects and their approaches under economical management."

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

#### NATURALIZATION OF CERTAIN ALIENS

Mr. BOX. Mr. Speaker, I ask unanimous consent to return to the bill (H. R. 5627) relating to the naturalization of certain aliens. I want to make a statement. This is really a special bill for the relief of one man regarding his withdrawal of his declaration of citizenship. I want to state that the case as first presented to me seemed to me one which should not pass. The man was no slacker. He was found physically unfit for military duty, but sought and found special service with the Military Establishment until after the armistice. I will not take the time of the whole committee to state how I reached the conclusion that the relief ought to be granted. I say that for the benefit of the gentleman who had some doubts as to that.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That, notwithstanding any provision of law to the contrary, no alien shall be debarred from becoming a citizen of the United States on the ground that he withdrew his intention to become a citizen of the United States in order to secure discharge from the military service, if such discharge took place after November 11, 1918.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

#### LEAVE OF ABSENCE

Mr. WALKER, by unanimous consent, was given leave of absence, indefinitely, after Thursday, June 12, 1930, on account of important business.

#### ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill and joint resolution of the following titles, which were thereupon signed by the Speaker:

H. R. 6130. An act to exempt the Custer National Forest from the operation of the forest homestead law, and for other purposes; and

H. J. Res. 181. Joint resolution to amend a joint resolution entitled "Joint resolution giving to discharged soldiers, sailors, and marines a preferred right of homestead entry," approved February 14, 1920, as amended January 21, 1922, and as extended December 28, 1922.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 2836. An act to admit to the United States Chinese wives of certain American citizens;

S. 4085. An act to authorize the use of a right of way by the United States Indian Service through the Casa Grande Ruins National Monument in connection with the San Carlos irrigation project;

S. 4169. An act to add certain lands to the Zion National Park in the State of Utah, and for other purposes;

S. 4170. An act to provide for the addition of certain lands to the Bryce Canyon National Park, Utah, and for other purposes;

S. 4203. An act to amend the act approved February 12, 1929, authorizing the payment of interest on certain funds held in trust by the United States for Indian tribes; and

S. 4318. An act to amend the act entitled "An act to permit taxation of lands of homestead and desert-land entrymen under the reclamation act," approved April 21, 1928, so as to include ceded lands under Indian irrigation projects.

#### BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a joint resolution and bill of the House of the following titles:

H. J. Res. 181. Joint resolution to amend a joint resolution entitled "Joint resolution giving to discharged soldiers, sailors, and marines a preferred right of homestead entry," approved February 14, 1920, as amended January 21, 1922, and as extended December 28, 1922; and

H. R. 6130. An act to exempt the Custer National Forest from the operation of the forest homestead law, and for other purposes.

#### ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 52 minutes p. m.) the House adjourned until to-morrow, Wednesday, June 11, 1930, at 12 o'clock noon.

#### COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Wednesday, June 11, 1930, as reported to the floor leader by clerks of the several committees:

##### COMMITTEE ON THE JUDICIARY

(10 a. m.)

To consider several bills relating to unemployment.

##### COMMITTEE ON INDIAN AFFAIRS

(9.30 a. m.)

Providing for the final enrollment of the Indians of the Klamath Indian Reservation in the State of Oregon (S. 3156).

##### COMMITTEE ON FLOOD CONTROL

(10.30 a. m.)

To amend an act entitled "An act for the control of floods on the Mississippi River and its tributaries, and for other purposes," approved May 15, 1928 (H. R. 12101).

##### COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

Authorizing the Secretary of the Navy to accept, without cost to the Government of the United States, a lighter-than-air base



near Sunnyvale, in the county of Santa Clara, State of California, and construct necessary improvements thereon (H. R. 6810).

Authorizing the Secretary of the Navy to accept a free site for a lighter-than-air base at Camp Kearney, near San Diego, Calif. and construct necessary improvements thereon (H. R. 6808).

COMMITTEE ON BANKING AND CURRENCY  
(10.30 a. m.)

To authorize the Committee on Banking and Currency to investigate chain and branch banking (H. Res. 141).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

538. A communication from the President of the United States, transmitting supplemental estimate of appropriations for the Federal Board for Vocational Education for the fiscal year 1931, in the sum of \$980,000 (H. Doc. No. 461); to the Committee on Appropriations and ordered to be printed.

539. A letter from the Secretary of War, transmitting report from the Chief of Engineers on the St. Croix River, Wis. and Minn., covering navigation, flood control, power development, and irrigation (H. Doc. No. 462); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

540. A letter from the Secretary of War, transmitting report from the Chief of Engineers, United States Army, on Patuxent River, Md. (H. Doc. No. 463); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

541. A letter from the Secretary of War, transmitting report from the Chief of Engineers, United States Army, on preliminary examination of Mud Creek, Ky., with a view to the control of its floods (H. Doc. No. 464); to the Committee on Flood Control and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 12614. A bill granting the consent of Congress to the city of Aurora, Ill., to construct, maintain, and operate a free highway bridge from Stolps Island in the Fox River at Aurora, Ill., to connect with the existing highway bridge across the Fox River north of Stolps Island; without amendment (Rept. No. 1845). Referred to the House Calendar.

Mr. COOPER of Wisconsin: Committee on Foreign Affairs. H. J. Res. 321. A joint resolution to authorize an appropriation of \$4,500 for the expenses of participation by the United States in an International Conference on the Unification of Buoyage and Lighting of Coasts, Lisbon, 1930; without amendment (Rept. No. 1846). Referred to the Committee of the Whole House on the state of the Union.

Mr. RANSLEY: Committee on Military Affairs. H. R. 12807. A bill to authorize appropriations for construction at military posts, and for other purposes; without amendment (Rept. No. 1852). Referred to the Committee of the Whole House on the state of the Union.

Mr. BOWMAN: Committee on the District of Columbia. H. R. 9408. A bill to amend the act of March 3, 1917, an act making appropriations for the general expenses of the District of Columbia; with amendment (Rept. No. 1853). Referred to the Committee of the Whole House on the state of the Union.

Mr. McLEOD: Committee on the District of Columbia. S. 4358. An act to authorize transfer of funds from the general revenues of the District of Columbia to the revenues of the water department of said District, and to provide for transfer of jurisdiction over certain property to the Director of Public Buildings and Public Parks; without amendment (Rept. No. 1854). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SCHAFER of Wisconsin: Committee on Claims. H. R. 386. A bill for the relief of William Sulem; with amendment (Rept. No. 1835). Referred to the Committee of the Whole House.

Mr. SIMMS: Committee on Claims. H. R. 785. A bill for the relief of Francis A. Grennen; with amendment (Rept. No. 1836). Referred to the Committee of the Whole House.

Mr. SCHAFER of Wisconsin: Committee on Claims. H. R. 2628. A bill to authorize an appropriation for the relief of I. L. Lyons & Co.; with amendment (Rept. No. 1837). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 5745. A bill for the relief of Herbert J. Weyant; without amendment (Rept. No. 1838). Referred to the Committee of the Whole House.

Mr. CLARK of North Carolina: Committee on Claims. H. R. 6517. A bill for the relief of Irene Brand Alper; with amendment (Rept. No. 1839). Referred to the Committee of the Whole House.

Mr. SCHAFER of Wisconsin: Committee on Claims. H. R. 7798. A bill for the relief of Mrs. Lawrence Chlebek; without amendment (Rept. No. 1840). Referred to the Committee of the Whole House.

Mr. SCHAFER of Wisconsin: Committee on Claims. H. R. 8585. A bill for the relief of Maj. Thomas J. Berry; without amendment (Rept. No. 1841). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 8991. A bill for the relief of Charles E. Reyburn; without amendment (Rept. No. 1842). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 10888. A bill for the relief of Margaret V. Pearson; without amendment (Rept. No. 1843). Referred to the Committee of the Whole House.

Mr. SCHAFER of Wisconsin: Committee on Claims. H. R. 11189. A bill for the relief of Fritz Zoller; with amendment (Rept. No. 1844). Referred to the Committee of the Whole House.

Mr. ROWBOTTOM: Committee on Claims. S. 2811. An act for the relief of Oscar R. Hahnel; with amendment (Rept. No. 1847). Referred to the Committee of the Whole House.

Mr. SCHAFER of Wisconsin: Committee on Claims. H. R. 778. A bill for the relief of Jeannette Weir; with amendment (Rept. No. 1848). Referred to the Committee of the Whole House.

Mr. SCHAFER of Wisconsin: Committee on Claims. H. R. 3174. A bill for the relief of Henry W. Sublet; with amendment (Rept. No. 1849). Referred to the Committee of the Whole House.

Mr. DOXEY: Committee on Claims. H. R. 7909. A bill for the relief of Judd W. Hulbert; with amendment (Rept. No. 1850). Referred to the Committee of the Whole House.

Mr. SPEAKS: Committee on Military Affairs. H. R. 4536. A bill for the relief of John S. Stotts, deceased; without amendment (Rept. No. 1851). Referred to the Committee of the Whole House.

Mr. FITZGERALD: Committee on Claims. H. R. 9875. A bill for the relief of Capt. Guy L. Hartman; with amendment (Rept. No. 1855). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CRAMTON: A bill (H. R. 12870) to authorize the sale of all of the right, title, interest, and estate of the United States of America in and to certain lands in the State of Michigan; to the Committee on Military Affairs.

By Mr. LEAVITT: A bill (H. R. 12871) providing for the sale of isolated tracts in the former Crow Indian Reservation, Mont.; to the Committee on Indian Affairs.

By Mr. MOUSER: A bill (H. R. 12872) granting increase of pension to certain soldiers, sailors, and nurses of the war with Spain, the Philippine insurrection, or the China relief expedition, and for other purposes; to the Committee on Pensions.

By Mr. TEMPLE: A bill (H. R. 12873) authorizing an appropriation for the payment of claims arising out of the occupation of Vera Cruz, Mexico, by American forces in 1914; to the Committee on Foreign Affairs.

By Mr. McREYNOLDS: A bill (H. R. 12874) making an appropriation to provide for the resurfacing of a road in the Chickamauga-Chattanooga National Military Park; to the Committee on Appropriations.

By Mr. MOUSER: A bill (H. R. 12875) granting pensions and increase of pension to widows, minor children, and helpless children of soldiers and sailors of the war with Spain, the Philippine insurrection, or the China relief expedition, and for other purposes; to the Committee on Pensions.

By Mrs. ROGERS: A bill (H. R. 12876) to provide for blue dress uniforms for enlisted men of the Regular Army; to the Committee on Military Affairs.

By Mr. SPROUL of Kansas: Resolution (H. Res. 242) requesting the Federal Trade Commission to investigate gain and loss effects of big business mergers, chain stockholding company



business operation, and to report findings to Speaker; to the Committee on Interstate and Foreign Commerce.

By Mr. LAGUARDIA: Joint resolution (H. J. Res. 360) providing for a national conference on uniform State labor and welfare laws; to the Committee on the Judiciary.

By Mr. O'CONNOR of Louisiana: Joint resolution (H. J. Res. 361) authorizing the Secretary of War to lease to the New Orleans International Trade Exhibition New Orleans Quarter-master Intermediate Depot Unit No. 2; to the Committee on Military Affairs.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARNOLD: A bill (H. R. 12877) granting an increase of pension to Adelia A. Masters; to the Committee on Invalid Pensions.

By Mr. BEERS: A bill (H. R. 12878) granting an increase of pension to Martha E. Aughinbaugh; to the Committee on Invalid Pensions.

By Mr. BLACK: A bill (H. R. 12879) for the relief of John J. Kennelly; to the Committee on Claims.

By Mr. COCHRAN of Missouri: A bill (H. R. 12880) for the relief of Frederick V. Armistead; to the Committee on Military Affairs.

Also, a bill (H. R. 12881) granting a pension to Viny Carey; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 12882) granting a pension to Willie D. Harrelson; to the Committee on Pensions.

By Mr. EVANS of California: A bill (H. R. 12883) for the relief of Seymour H. Dotson, otherwise known as William Dodson; to the Committee on Military Affairs.

By Mr. HOPKINS: A bill (H. R. 12884) granting an increase of pension to Rhoda Button; to the Committee on Invalid Pensions.

By Mr. HALL of North Dakota: A bill (H. R. 12885) granting an increase of pension to Mary E. Folsom; to the Committee on Pensions.

By Mr. JOHNSON of Illinois: A bill (H. R. 12886) granting an increase of pension to Emma Huston; to the Committee on Invalid Pensions.

By Mr. KENDALL of Pennsylvania: A bill (H. R. 12887) granting an increase of pension to Sarah C. Pile; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12888) granting an increase of pension to Mary Jane Mimmy; to the Committee on Invalid Pensions.

By Mr. LANKFORD of Virginia: A bill (H. R. 12889) for the relief of officers and enlisted men of the First Virginia Ambulance Company, later One hundred and fifteenth Ambulance Company, One hundred and fourth Sanitary Train; to the Committee on Military Affairs.

By Mr. MANLOVE: A bill (H. R. 12890) granting a pension to Rosa E. Myers; to the Committee on Invalid Pensions.

By Mr. PRITCHARD: A bill (H. R. 12891) granting a pension to Mary West; to the Committee on Pensions.

By Mr. STALKER: A bill (H. R. 12892) granting an increase of pension to Betsy A. Waight; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12893) granting an increase of pension to Sarah E. Swan; to the Committee on Invalid Pensions.

By Mr. SIROVICH: A bill (H. R. 12894) extending the benefits of the emergency officers' retirement act to Wolcott LeClear Beard; to the Committee on World War Veterans' Legislation.

By Mr. TARVER: A bill (H. R. 12895) granting a retirement annuity to W. A. Cody; to the Committee on the Civil Service.

By Mr. TILSON: A bill (H. R. 12896) granting an increase of pension to Katie J. Jerolmon; to the Committee on Invalid Pensions.

By Mr. WELSH of Pennsylvania: A bill (H. R. 12897) granting a pension to Esther Simpson Bingham; to the Committee on Pensions.

By Mr. WIGGLESWORTH: A bill (H. R. 12898) to extend the benefits of the employees' compensation act of September 7, 1916, to Carl G. Lindstrom, a former employee at the Watertown Arsenal, Watertown, Mass.; to the Committee on Claims.

By Mr. WYANT: A bill (H. R. 12899) granting an increase of pension to Mary A. Steiner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12900) granting an increase of pension to Mary E. Klingensmith; to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7518. By Mr. ALDRICH: Petition of Providence Fraternal Association of Providence, R. I., opposing the enactment of legislation designed to create either a voluntary or compulsory system of alien registration; to the Committee on Immigration and Naturalization.

7519. By Mr. CAMPBELL of Iowa: Petition of the Woman's Christian Temperance Union, of Merrill, Iowa, urging that Congress enact a law for the Federal supervision of motion pictures establishing higher standards before production for films that are to be licensed for interstate and international commerce; to the Committee on Interstate and Foreign Commerce.

7520. By Mr. GLOVER: Petition of American Train Dispatchers' Association, urging the passage of Senate Joint Resolution 161; to the Committee on Interstate and Foreign Commerce.

7521. By Mr. LUCE: Petition of employees of the Boston regional office of the Veterans' Bureau, favoring passage at the present session of the bill relating to a 44-hour week for Government employees; to the Committee on the Civil Service.

7522. By Mr. HARCOURT J. PRATT: Petition of president and secretary of Woman's Christian Temperance Union, of Middleburgh, Schoharie County, N. Y., praying for enactment of laws to provide Federal supervision of motion-picture production; to the Committee on Interstate and Foreign Commerce.

7523. By Mr. RAMSEYER: Petition of Woman's Christian Temperance Union, of Lynnville, Iowa, requesting the enactment of a law for the Federal supervision of motion pictures establishing higher standards for production of films to be licensed for interstate and foreign commerce; to the Committee on Interstate and Foreign Commerce.

7524. By Mr. STONE: Petition of Finor H. Works, Wynne-wood, Okla., urging the date to be extended to 1930 in the Rankin bill; to the Committee on World War Veterans' Legislation.

7525. Also, petition of John P. Tyon, of Davidson, Okla., urging the date to be extended to 1930 in the Rankin bill; to the Committee on World War Veterans' Legislation.

7526. By Mr. YATES: Petition of D. J. O'Connell, corresponding secretary International Union of Journeymen Horseshoers, 3917 Flourney Street, Chicago, Ill., urging the passage of the 44-hour bill for Federal employees; to the Committee on the Civil Service.

7527. Also, petition of George W. Overton, president of the Reuben H. Donnalley Corporation, 320 East Twenty-first Street, Chicago, Ill., protesting the passage of House bill 11096, and states in his opinion it will decrease rather than increase revenue; to the Committee on the Post Office and Post Roads.

7528. Also, petition of E. M. Pettinger, general manager Direct Mail Advertising Co., 431 South Dearborn Street, Chicago, protesting the passage of House bill 11096; to the Committee on the Post Office and Post Roads.

7529. Also, petition of Jessie M. Kehoe, 327 South La Salle Street, Chicago, protesting the passage of House bill 11096, and stating that if passed it would decrease rather than increase revenue; to the Committee on the Post Office and Post Roads.

#### SENATE

WEDNESDAY, June 11, 1930

(Legislative day of Monday, June 9, 1930)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Capper	Gillett	Hebert
Ashurst	Caraway	Glass	Heflin
Baird	Connally	Glenn	Howell
Barkley	Copeland	Goldsborough	Johnson
Bingham	Couzens	Greene	Jones
Black	Cutting	Grundy	Kean
Blaine	Dale	Hale	Kendrick
Borah	Deneen	Harris	Keyes
Bratton	Dill	Harrison	La Follette
Brock	Fess	Hatfield	McCulloch
Brookhart	Frazier	Hawes	McKellar
Broussard	George	Hayden	McMaster